
Environmental Register

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J. Philip Novak, Chairman

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Letter from the Chairman

As I prepare this letter on June 9, the Illinois General Assembly has not yet finally adjourned its 2004 session, but a number of bills have passed both houses. Four of those bills have particular interest for the Pollution Control Board, parties appearing before it, and regulated entities. Although the Governor has not acted upon any of them, I want to bring those four bills to your attention.



Senate Bill 2551 amends the Environmental Protection Act and seeks to reduce exposure to mercury and various products containing it. The bill includes the following provisions:

- Effective July 1, 2005, the bill prohibits persons from purchasing or accepting for use in classrooms any elemental mercury, mercury compounds, or specified products containing mercury, although its language includes two specific exceptions.
- Effective July 1, 2007, it also prohibits the sale of many mercury switches and relays found in consumer products. The ban does not apply to switches or relays used as replacement parts in manufacturing equipment or where they are physically integrated with other components.
- Manufacturers of mercury products may apply for an exemption from these prohibitions under specified circumstances, including the existence of a system for collecting and processing those products.
- SB 2551 also requires the Board to modify universal waste rules for the collection and handling of products containing mercury. Acknowledging that mercury can make its way into our waterways and pose a particular risk to children, the Board will carefully review the rulemaking proposal due from the Environmental Protection Agency.

House Bill 4247 amends the Open Meetings Act with regard to meetings that are closed under one of the Act's exceptions. The bill includes the following provisions:

- Requires that public bodies keep written minutes of both open and closed meetings.
- Requires public bodies to review the minutes but not the verbatim recordings of closed meetings to determine whether they require confidential treatment.
- Amends language governing the public inspection and discovery of verbatim recordings in various judicial and administrative proceedings.

House Bill 4567 amends the Procurement Code to provide that no person or business found by a court or the Board to have willfully or knowingly violated the Environmental Protection Act shall do business with the State or a State agency for five years after the date of the order finding the violation. The Procurement Code now limits this ban to a violation of a specified section of the Act.

Finally, House Bill 5823 also amends the Environmental Protection Act. The bill provides that the injunction requested by the proper State's Attorney or the Attorney General to restrain violations of the Act, rules or regulations adopted under the Act, any permit or term or condition of a permit, or any Board order, may be prohibitory or mandatory. The bill further provides that the injunction may also be requested in order to require other actions that may be necessary to address those specified violations.

While all four of these bills have passed both houses of the General Assembly, by June 9th only House Bills 4567 and 5823 had been sent to the Governor. By the time you read this letter, the Illinois General Assembly and the Governor may have acted on these and other bills relating to the Pollution Control Board. While the House and Senate complete their 2004 session, I'll follow those environmental bills and summarize them in a later issue of the Environmental Register.

Sincerely,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive, slightly slanted style.

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Adopts Direct Final Rules Under the Clean Air Act Approving Changes to the Illinois Volatile Organic Compound State Implementation Plan: Horween Leather Co. Site Specific Rule (R02-20)

On May 24, 2004 (69 Fed. Reg. 29446), the United States Environmental Protection Agency (USEPA) adopted direct final rules, and published identical proposed rules, approving changes to the Illinois State Implementation Plans (SIP) for volatile organic compounds (VOC).

In this action, the USEPA approved a site-specific revision to the Illinois SIP for the Horween Leather Company (Horween) in Chicago, Illinois. The Illinois Environmental Protection Agency (IEPA) requested the SIP change on May 28, 2003. The SIP revision addresses a site-specific rule that would change the VOC control requirements applicable to a small amount of specialty leathers and allow them to be produced at Horween's leather production facility in Chicago, Cook County. USEPA found the IEPA's request to be approvable because it satisfies reasonably available control technology and is a more suitable control measure for certain of its specialty leather coating operations than the existing rule which this amends.

The SIP revision request is based on site-specific amendments adopted by the Pollution Control Board (Board) on February 20, 2003. The Board amended its VOC regulations at 35 Ill. Adm. Code 218, "Organic Material Emission Standards and Limitations for the Chicago Area" as applied to Horween's production of a small amount of new specialty leathers. See In The Matter Of: Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm. Code 218.112 and 218.929, R02-20 (February 20, 2003).

The direct final rule is effective July 23, 2004, unless USEPA receives written adverse comment by June 23, 2004. If written adverse comment is received, USEPA will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

Comments on this proposal, which is identified as Docket ID No. IL221, must be received by July 23, 2004 and may be submitted by one of the following methods: (1) to the Federal eRulemaking Portal at <http://www.regulations.gov> (follow the on-line instructions for submitting comments); (2) by e-mail to J. Elmer Bortzer at bortzer.jay@epa.gov; or (3) by mail to J. Elmer Bortzer, Chief, Criteria Pollutant Section, (AR-18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

For further information contact Steven Rosenthal at (312) 886-6052.

United States Environmental Protection Agency Adopts Direct Final Rules Under the Clean Air Act Approving Changes to the Illinois Volatile Organic Material State Implementation Plan: Swenson Spreader Company Adjusted Standard, AS 97-5

On May 27, 2004 (69 Fed. Reg. 30248), the United States Environmental Protection Agency (USEPA) adopted a direct final rule, and published identical proposed rules, approving changes to the Illinois State Implementation Plan (SIP) for volatile organic material (VOM).

The USEPA adopted amendments approving a revision to the Illinois SIP for the Louis Berkman Company, doing business as the Swenson Spreader Company (Swenson). The revised SIP is based on a September 19, 2003 request filed by the Illinois Environmental Protection Agency (IEPA) that USEPA approve an adjusted standard for the VOM content limit applicable to the painting operations at Swenson's plant located in Lindenwood, Ogle County, Illinois. USEPA stated that it was approving the SIP revision as a direct final rule without prior proposal because USEPA views this as a noncontroversial revision amendment and anticipates no adverse comments.

The SIP revision request is based on an adjusted standard adopted by the Pollution Control Board (Board) on May 7, 1998. The Board granted Swenson a ten-year adjusted standard from 35 Ill. Adm. Code 215.204(j)(2) beginning on May 7, 1998 and ending on May 7, 2008. Under this adjusted standard Swenson must not cause or allow the emission of VOM at the Lindewood facility to exceed a monthly average of 4.75 pounds of VOM per gallon of coating (VOM lb./gal.), subject to conditions. See In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company, for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F, AS 97-5 (May 7, 1998), *aff'd. sub nom. Illinois Environmental Protection Agency v. Pollution Control Board and Louis Berkman Company, d/b/a The Swenson Spreader Company*, 308 Ill. App. 3d 741, 721 N.E. 2d 723 (2d Dist. 1999).

Comments on this direct final rule must be received on or before June 28, 2004 and should be sent to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, Air Programs Branch, United States Environmental Protection Agency, Mailcode AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, e-mail at bortzer.jay@epa.gov.

For further information contact Christos Panos, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch, United States Environmental Protection Agency, Mailcode AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328, e-mail at panos.christos@epa.gov.

Rule Update

Board Adopts Final Opinion and Order in Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures (R03-19)

On May 6, 2004, the Board adopted a final opinion and order in Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures (R03-19). The Board made two substantive changes to the proposal it adopted for first notice on September 4, 2003 (published in the *Illinois Register* at 27 Ill. Reg. 14765 (September 19, 2003)). The adopted rulemaking was filed with the Secretary of State's Index department and published in the May 21, 2004 *Illinois Register* at 28 Ill Reg. 7310, with a May 7, 2004 effective date.

The Board's rulemaking is based on the January 13, 2003 proposal filed by the Environmental Law and Policy Center of the Midwest, Illinois Chapter of the Sierra Club, Prairie Rivers Network, and 225 citizen petitioners (collectively "the proponents"). The adopted amendments clarify rules for issuance of National Pollutant Discharge Elimination System (NPDES) permits by the Illinois Environmental Protection Agency (IEPA), including provisions for public participation. The rules codify the IEPA's existing practice when reviewing and issuing NPDES permits, require additional information in NPDES permit fact sheets prepared for the public by IEPA, identify when the public comment period can be reopened, require control of pollutants and pollutant parameters that may potentially violate water quality standards, and require reports adequate to determine compliance with monitoring requirements.

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The adopted amendments incorporate suggestions from testimony and public comments generated during the first notice comment period and at the three public hearings held in this rulemaking. Testifiers and commenters included: the proponents, Illinois Environmental Protection Agency, Illinois Environmental Regulatory Group (IERG), Illinois American Water Company, Illinois Coal Association (IAC), and the Illinois Association of Wastewater Agencies (IAWA). The issues raised in comments and at the hearing during first notice focused primarily on language in three Sections: 309.113(a)(5), 309.120, and 309.143.

The first substantive change made by the Board was generated by comments on Section 309.120. The participants in this rulemaking identified subsection 309.120(a) (4) as being confusing. The proponents agreed that this subsection could be deleted. In response to these comments, the Board deleted proposed subsection 309.120(a)(4).

The other substantive change to the rules was made in Section 309.143(a). In their comments ICA, IAWA, and IERG requested that the Board include federal language to explain an excursion or violation of a water quality standard. The proponents agreed to the addition of the language. The Board added additional language from 40 CFR 122.44(d)(1)(i) to the originally proposed language at 309.143(a).

Copies of the Board's opinion and order in R03-19 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at (312) 814-4925 or email at tipsordm@ipcb.state.il.us.

Board Accepts Illinois Association of Wastewater Agencies' Proposal for Hearing in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25)

On May 6, 2004, the Board accepted a proposal for hearing in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25). The proposal was filed on April 19, 2004 by the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). The Board also granted IAWA's motion to waive the requirement that the rulemaking proposal include a petition signed by at least 200 persons.

Under the existing Board water quality standard, dissolved oxygen must not be less than 6.0 milligrams per liter (mg/L) during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time. *See* 35 Ill. Adm. Code 302.206. The Board adopted these standards in 1972. *See* Effluent Criteria, Water Quality Standards, Water Quality Standards Revisions for Intrastate Waters, R70-8, R71-14, R71-20 (Jan. 6, 1972). The proposal filed by IAWA seeks to amend these standards by explicitly providing that dissolved oxygen be determined on a monthly basis and specifying that (a) during the months of July through February, dissolved oxygen must not be less than a one-day minimum concentration of 3.5 mg/L, and a seven-day mean minimum of 4.0 mg/L, and (b) during the months of March through June, dissolved oxygen must not be less than a one-day minimum concentration of 5.0 mg/L, and a seven-day mean of 6.0 mg/L. IAWA also proposed definitions of "mean minimum" and "mean."

IAWA claims that its recent study of scientific literature found the Board's existing dissolved oxygen standards for general use waters "overly restrictive," and stated that it is proposing new standards based on the United States Environmental Protection Agency's "National Criteria Document ('NCD') for Dissolved Oxygen" (1986) and published research on natural fluctuations in aquatic systems and physiological tolerances of native aquatic life.

Copies of the Board's opinion and order in R04-25 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

Hearings are scheduled in the Board's offices for June 29 (Chicago) and August 12 (Springfield).

Pre-filing requirements are set out in the hearing officer's May 19, 2004 order, also available on the Board's Web site. For more information contact the hearing officer, Richard McGill, at (312) 814-6983 or email at mcgillr@ipcb.state.il.us.

Board Adopts Proposal for Public Comment Reflecting Federal Guidance that Drinking Water

“Submetering” Is Not “Selling” in SDWA Update, USEPA Amendments (July 1, 2003 through December 31, 2003) (R04-13)

On May 20, 2004, the Board adopted a proposal for public comment in SDWA Update, USEPA Amendments (July 1, 2003 through December 31, 2003) (R04-13). The rulemaking proposes amendments to the Illinois regulations that are “identical in substance” to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (1994)).

This docket includes federal SDWA amendments that USEPA adopted in the period July 1, 2003 through December 31, 2003. The rulemaking proposal was sent to the Secretary of State for publication in the June 18, 2004 issue of the *Illinois Register*. The Board will accept public comments on this proposal for 45 days after publication, through August 2, 2004.

The substantive amendments in this rulemaking deal with a notice published by USEPA at 68 Fed. Reg. 74233 (December 23, 2003) that interprets a key provision of the SDWA which determines the applicability of the SDWA regulations. USEPA changed its policy and determined that a property owner that “submeters” water, *i.e.*, that distributes water to a limited number of tenants on its own property, does not “sell” water within the meaning of Section 1411(3) of SDWA (42 U.S.C. 300g(3) 2000). Thus, such a property owner is not a public water supply to which the SDWA requirements apply. USEPA believes that apartment buildings and other property types that share characteristics of an apartment building are subject to the revised policy.

USEPA stated that the State should make any applicability determination based on the characteristics of the system. USEPA stated that the person submetering the water must receive all water from a single regulated PWS to qualify for exemption. Factors listed by USEPA included: (1) the existence of a limited distribution system with no known backflow or cross connection issues; (2) the presence of most of the plumbing in buildings, rather than in the ground; and (3) single ownership (or association ownership) of the property.

USEPA did not amend its regulations when it published this revised policy relating to the “sale” of water under Section 1311 of SDWA. The Board noted that 40 C.F.R. 141.3 is nearly identical to Section 1311 of SDWA. USEPA did not mention section 141.3 of the SDWA regulations in announcing its revised policy, but the near identity of language would indicate that USEPA has revised its interpretation of section 141.3.

Section 611.100(d) of the Illinois rules is derived from 40 C.F.R. 141.3. The federal policy revision relating to submetered properties alters the scope and meaning of 40 C.F.R. 141.3 and Illinois Section 611.100(d). In the past, when USEPA has undertaken extra-regulatory actions that affect the meaning and implementation of its regulations, the Board has responded by adding a Board note to the affected segment of the rules.

Section 17.5 of the Act (415 ILCS 5/17.5 (2002)) requires the Board to adopt regulations that are “identical in substance” to the federal national secondary drinking water regulations (NPDWRs) and to amendments to the federal NPDWRs. The December 23, 2003 policy revision that distinguishes a person who “submeters” water from one who “sells” it does not involve a regulatory amendment. Nevertheless, it embodies a change in federal policy and alters the meaning and implementation of the federal rules. As the Board has done in the past, the Board interpreted the December 23, 2003 policy revision as an amendment to the federal regulations that is within the scope of the Board’s mandate under Section 17.5 of the Act.

Additionally in this rulemaking, the Board received a public comment from EMD Chemicals Inc. that requests updating of its company name in the incorporations by reference section of the regulations. EMD Chemicals, formerly named EM Science, produces two methods for microbiological analysis of water that are approved by USEPA. The methods are incorporated by reference in Section 611.102. The Board has updated the three appearances of “EM Science” to “EMD Chemicals” in that Section.

Copies of the Board’s opinion and order in R04-13 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

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For additional information contact Michael J. McCambridge at (312)814-6924; e-mail address mccambm@ipcb.state.il.us

Appellate Update

Fifth District Affirms The Board's Decision Affirming Grant of Local Siting Approval For Transfer Station in *Stock & Company, LLC v. Illinois Pollution Control Board, Effingham County Board, Sutter Sanitation Services, and Landfill 33, Ltd.*, No.5-03-0099 (May 7, 2004) (PCB 03-52 (cons. with PCB 03-43))

In its May 7, 2004 final unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), in *Stock & Company, LLC v. Illinois Pollution Control Board, Effingham County Board, Sutter Sanitation Services, and Landfill 33, Ltd.*, No.5-03-0099, the Fifth District Appellate Court affirmed the Board's decision in two consolidated landfill siting appeals. In a single opinion and order resolving both cases, the Board affirmed the Effingham County Board's (County Board) granting of siting approval for Sutter Sanitation Services' (Sutter) proposed solid waste transfer station. *Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services*, PCB 03-52 (February 20, 2003), consolidated with *Landfill 33, LTD., v. Effingham County Board and Sutter Sanitation Services*, PCB 03-43.

Under Illinois law, units of local government act as siting authorities to approve or disapprove requests for siting of new pollution control facilities under Section 39.2 of the Environmental Protection Act (Act). 415 ILCS 5/39.2 (2002). Local siting decisions are appealable to the Board under Section 40.1 of the Act. 415 ILCS 5/40.1 (2002).

In September 2002, the Effingham County Board granted site location suitability approval for a proposed waste transfer station to be sited on three acres of land currently used as a grain elevator in unincorporated Effingham County. Stock & Co. (Stock) owns the cropland directly across the road from the transfer station. Stock and another entity, Landfill 33, each appeal the Board to review the County's siting approval.

Stock and Landfill 33, Ltd. each alleged three grounds for reversing the County Board's siting approval: (1) the County Board lacked jurisdiction over the siting application because Sutter failed to timely provide notice of the County Board hearing to all members of the General Assembly from the district as required under Section 39.2(d) of the Act; (2) the procedures the County Board used to consider Sutter's application were fundamentally unfair under Section 40.1(a) of the Act; and (3) the County Board erred in deciding that Sutter presented adequate proof on six of the nine siting criteria in Section 39.2(a) of the Act. The Board found that the County Board had jurisdiction, followed fundamentally fair procedures, and correctly determined that Sutter satisfied the siting criteria at issue.

Before the Fifth District Appellate Court, Stock did not argue the Board's finding that the County Board had jurisdiction over the application. (Landfill 33 did not appeal) Stock challenged only the Board's rulings on fundamental fairness and on three Section 39.2(a) siting criteria ((i) (need), (ii) (designed to protect public health), and (v) (plan of operations designed to minimize danger)), but not on jurisdiction.

Stock argued that the County Board proceedings were fundamentally unfair because the local hearing transcript was not provided to Stock until after the deadline for appealing the local siting decision to the Board. Stock maintained that it was therefore hindered "in its efforts to formulate the basis for its appeal." (slip op. at 4). The court agreed with the Board that Stock suffered no prejudice and that the local proceeding was therefore not rendered fundamentally unfair by delay in the availability of the transcript. The court noted that Stock could have, but did not, seek to amend its petition to the Board, and that Stock received the transcript "well in advance of the hearing before the Pollution Control Board." (slip op. at 6).

The court declined to select a specific standard for reviewing the Board's decision on fundamental fairness ("de novo," "manifest weight," or "clearly erroneous"), instead finding that "even under the least deferential de novo standard of review, we affirm the decision of the Pollution Control Board." (slip op. at 5).

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The court had little to say about the siting criteria, deferring instead to the Board's opinion and order. The court first stated that the "written opinion of the Pollution Control Board is lengthy and detailed and adequately sets forth all the evidence relied upon for its decision." (slip op. at 3). The court then concluded that the Board's decision affirming the County Board on the siting criteria was not against the manifest weight of the evidence, as a "conclusion opposite to that reached by the Pollution Control Board is not clearly evident, plain, or indisputable."

Fifth District Grants The Board's Motions To Dismiss Two Underground Storage Tank Reimbursement Appeals: DaLee Oil Co. v. Illinois Environmental Protection Agency, No.5-04-0039 (May 19, 2004) (PCB 03-118, 119, and 150 (cons.)) and Mick's Garage v. Illinois Environmental Protection Agency, No.5-04-0050 (May 19, 2004) (PCB 03-126)

On May 19, 2004, the Fifth District Appellate Court issued two final unpublished orders under Supreme Court Rule 23 (155 Ill.2d R. 23). DaLee Oil Co. v. Illinois Environmental Protection Agency, No.5-04-0039 (May 19, 2004) (PCB 03-118, 119, and 150 (cons.)) and Mick's Garage v. Illinois Environmental Protection Agency, No.5-04-0050 (May 19, 2004) (PCB 03-126). In each case, the court dismissed petitioner's appeal of a Board December 18, 2003 decision for lack of jurisdiction. Neither petitioner had named the Board as a party respondent. The Board argued that the appellant's failure to name all necessary parties of record pursuant to Supreme Court Rule 335 was a fatal error. As a result of the court's dismissal of the appeals, the Board's separate December 18, 2003 orders stand as the law of the cases.

In both appeals, the Board affirmed decisions made by the Illinois Environmental Protection Agency (Agency) involving underground storage tank (UST) Fund reimbursement applications and determinations. The original provisions of the Environmental Protection Act (Act) governing UST Fund cost actions was found at Section 22.18b of the Act (Title V). This section set forth the appropriate deductibles to be imposed on reimbursement applications for USTs eligible to access the UST Fund. In 1993, this section of the Act was repealed and a new Title XVI was enacted, effective September 13, 1993. 415 ILCS 5/57 (2002). The law to be applied is the law in effect upon the date the application is filed. Kean Oil Co. v. IEPA, PCB 92-60, slip op. at 11 (Sept. 5, 1996). Owners or operators who reported releases after the effective date of the amendments would proceed under the new law. Owners or operators who reported releases prior to the effective date proceeded under the old law unless expressly electing to proceed under the new Title XVI. 415 ILCS 5/57.13(b) (2002).

DaLee Oil Co. v. Illinois Environmental Protection Agency, PCB 03-118, 119, and 150 (cons.) (May 19, 2004):

DaLee Oil Company operated a gasoline service station known as "Rocky's 66," located at Route 177 West in Okawville, Washington County. Dalee sought Board review of three Illinois Agency determinations limiting cleanup cost reimbursement from the UST Fund. The claimed costs were for a remediation system being used at the site to clean up contaminated soil and groundwater.

The reimbursement requests covered three time periods during the cleanup, spanning October 2001 through September 2002. In three final determinations, the Agency granted only partial reimbursement, denying DaLee approximately \$19,000 in claimed costs. The Agency determined that \$1,292.69 of the requested \$3,750 per month for the groundwater treatment and soil vapor extraction unit were ineligible because they were "costs that the owner/operator failed to demonstrate were reasonable," citing Section 22.18b(d)(4)(C) of the Act. DaLee appealed each of the Agency's three determinations to the Board, and the Board consolidated the appeals, handling them in a single opinion and order. Dalee Oil Co. v. Illinois Environmental Protection Agency, PCB 03-118, 119, and 150 (cons.) (December 18, 2003).

On the issue of the claimed costs' reasonability, at the Board's hearing, DaLee sought to introduce overhead and amortization figures and related testimony to substantiate the claimed costs of the remediation system. That information, however, had not been presented to the Agency in DaLee's reimbursement applications. The Board held that under the Act, the Board's review is limited to the record before the Agency at the time the Agency issued its decision. The Board therefore could not consider the new information. The Board further held that the materials DaLee did submit to the Agency failed to demonstrate that the monthly rate sought for the remediation system was reasonable. The Board concluded that DaLee failed to meet its burden of proof and affirmed the Agency's determinations.

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Mick's Garage v. Illinois Environmental Protection Agency, PCB 03-126 (May 19, 2004)

Mick's Garage is a truck maintenance facility, located in Pontoon Beach, Madison County. Mick's Garage sought Board review of an Agency January 10, 2003 determination. The Agency approved a site characterization report and corrective action plan and deductible determination that the Agency received November 13, 2003. Mick's appealed on the grounds that the Agency based its deductible determination on a report of a suspected leak contained in the tank registration, rather than on the log of tank removal, which indicated that no leakage had occurred. The Board affirmed the Agency's conclusion that a \$50,000 deductible applies to the Mick's Garage site. Mick's Garage v. Illinois Environmental Protection Agency, PCB 03-126 (December 18, 2003).

The Board's decision turned on which of two Sections of the UST law applied. Mick's tanks were removed on April 8, 1999, and Mick's reported a release to the Agency in 1991, prior to the adoption of the new law. Two incident numbers apply to the Mick's Garage site. The first was issued in 1991, and the second was issued in 1999 when the tanks were removed. The Office of the State Fire Marshal noted when it issued the more recent incident number that it was a second report of the suspected release reported in 1991. The Board found that because the OSFM issued a second incident number as a re-reporting of the first incident, the application was submitted on November 15, 1991 and Section 22.18b of the Act applies. Accordingly, the Board found that the Agency correctly determined that the deductible was \$50,000.

Board Actions

May 6, 2004
Springfield, Illinois

Rulemakings

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| R03-19 | <u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – The Board adopted a final opinion and order in this rulemaking amending the permit provisions of the Board's water pollution control regulations. | 5-0
R, Water |
| R04-11 | <u>In the Matter of: Proposed Site Specific Rulemaking Ameren Energy Generating Company Amending 35 Ill. Adm. Code 901</u> – The Board granted petitioner's motion for leave to file a response and its motion to supplement the record and the Office of the Attorney General's (AGO) motion for leave to file a reply, and accepts its reply. The Board granted the AGO's motion for leave to file a reply, and accepts its reply. The Board denied the AGO's motions to deny the motion for leave to file, to deny the motion to supplement the record, and to strike the response and the documents intended to supplement the record. The Board gave the AGO leave to file a response or otherwise provide additional information. | 5-0
R, Noise |
| R04-25 | <u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u> – The Board accepted for hearing the April 19, 2004 proposal of the Illinois Association of Wastewater Agencies to amend the Board's water pollution control regulations. The Board also granted petitioner's motion to waive the 200 signature requirement. | 5-0
R, Water |

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Administrative Citations

- AC 03-27 IEPA v. Vince Harvey – The Board entered an order requiring respondent to pay the Board hearing costs in the amount of \$343.74 and a civil penalty of \$3,000. This order follows the Board's interim order of April 1, 2004, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) at his Henry County facility. 5-0
- AC 04-16 IEPA v. James Farley – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Sangamon County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review. 5-0
- AC 04-25 IEPA v. Colorado Real Estate & Investment Company (Kingspark Mobile Estates) – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondents violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2002)) and ordered respondents to pay a civil penalty of \$4,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review. 5-0
- AC 04-43 County of Jackson v. Frank Stonemark – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent. 5-0
- AC 04-52 IEPA v. Glen Cooper, Betty Cooper and Ronald Gernay d/b/a Ron's Sandblasting, Painting and Power Washing – The Board dismissed respondents Glenn Cooper and Ronald Gernay March 25, 2004 petition for review as deficient. The Board found that these Cass County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500. 5-0
- AC 04-54 IEPA v. U.S. Scrap Metal – The Board found that this Macon County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500. 5-0
- AC 04-55 IEPA v. Josiah W. Collins II and Lori Hilton – The Board found that these McDonough County respondents violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$4,500. 5-0
- AC 04-56 County of Vermilion v. Jerry Hathaway and Darrell Cripe – The Board found that these Vermilion County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500. 5-0

Environmental Register – May 2004

Decisions

- PCB 97-69 People of the State of Illinois v. Economy Plating, Inc. – The Board entered a final order, ordering respondent to pay civil penalties in the amount of \$5,000. This order incorporates by reference the August 21, 2003 order which granted complainant summary judgment on all five counts of the second amended complaint. The Board found that respondents violated Sections 9(a), (b), and 9.1(d)(1) of the Environmental Protection Act and Sections 201.142, 201.143, 201.302, 201.144, 254.102(c), and 254.402 of the Board’s air pollution regulations at a site located in Cook County. 415 ILCS 5/9(a), (b), and 9.1(d)(1) (2002); 35 Ill. Adm. Code 201.142, 201.143, 201.302, 201.144, 254.102(c), and 254.402. 5-0
A-E
- PCB 02-177 People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company – The Board found that respondents violated the following provisions of the Environmental Protection Act (Act) and the Board’s regulations: Sections 12(a) and (d) (415 ILCS 5/12(a), (d) (2002)); Sections 21(a), (d)(1), (d)(2), (e), (p)(1), and (p)(6) of the Act (415 ILCS 5/21(a), (d)(1), (d)(2), (e), (p)(1), (p)(6) (2002)); 35 Ill. Adm. Code 302.203, 722.111, 739.122(c), (d), 808.121, 812.101(a) at four sites located in Washington County. The Board ordered the respondents to pay a total civil penalty of \$303,500 and to reimburse the Office of the Attorney General \$6,600 for attorney fees. 4-1
Johnson
dissented
L, W-E
- PCB 04-117 Saline County Landfill, Inc. v. IEPA and Saline County – The Board reversed the December 5, 2003 denial of permit. The Board remanded the case to the Illinois Environmental Protection Agency to issue the requested permit. 5-0
P-A, Land
- PCB 04-161 People of the State of Illinois v. Conocophillips Company – In this air enforcement action concerning a Madison County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$35,386 and to cease and desist from further violations. 5-0
A-E

Motions and Other Matters

- PCB 99-187 Gina Pattermann v. Boughton Trucking and Materials, Inc. – The Board granted respondent’s motion for summary judgment with respect to the alleged numerical noise violations, Sections 901.102(a), (b) and 901.104 of the Board’s regulations. 35 Ill. Adm. Code 901.102(a), (b), 901.104. The Board denied respondent’s motion for summary judgment with respect to the nuisance noise and air violations, Sections 9(a) and 24 of the Act and Sections 201.141 and 900.102 (415 ILCS 5/9(a) (2002), 24 and 35 Ill. Adm. Code 201.141, 900.102) of the Board’s regulations. The Board directed the parties to proceed to hearing on those issues and the issue of remedy. 5-0
A&N-E
- PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc. a division of Murphy Brown, L.L.C., and Smithfield Foods, Inc. – The Board granted complainant’s motion for leave to amend the complaint and accepted the second amended complaint for hearing. 5-0
A&W-E

Environmental Register – May 2004

PCB 01-104	<u>People of the State of Illinois v. City of Waukegan</u> – 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 involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 03-188	<u>Prime Time Citgo, Inc. and Alphonsus Olieh</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Kane County facility.	5-0 UST Appeal
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – The Board denied complainant’s motions for summary judgment. No action was taken on respondent Thorell’s motion to dismiss.	5-0 PWS-E
PCB 04-103 PCB 04-119	<u>Illinois State Toll Highway Authority (Des Plaines South) v. IEPA; Illinois State Toll Highway Authority (Des Plaines South) v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 04-103 and PCB 04-119.	5-0 UST Appeal
PCB 04-116	<u>Oasis Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	5-0 P-A, Air
PCB 04-120	<u>Didier Greenhouses, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Winnebago County facility.	5-0 UST Appeal
PCB 04-128	<u>WEWS, L.P. (The Boye Needle Facility) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-129	<u>Brock Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this McLean County facility.	5-0 UST Appeal
PCB 04-130	<u>Drake Tower Apartments, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal
PCB 04-165	<u>People of the State of Illinois v. Medical Waste Management, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this enforcement action.	5-0 L-E
PCB 02-205 PCB 02-206	<u>Home Oil Company v. IEPA</u> – The Board dismissed this petition for review as untimely filed. The motion to consolidate was denied as moot.	5-0 UST Appeal

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PCB 04-172		
PCB 04-180	<u>Larry Weineke v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Massac County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-181	<u>Keller Oil Company/Edgewood v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
PCB 04-182	<u>Strohm Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Crawford County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-183	<u>Johnson Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Vermilion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-184	<u>Pete’s Marathon v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-185	<u>Midwest Generation EMF, L.L.C. v. IEPA</u> – The Board accepted for hearing this trade secret appeal.	5-0 T-S, Appeal
PCB 04-187	<u>Sutter Sanitation, Inc. and LaVonne Haker v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Effingham County facility.	5-0 P-A, Land
PCB 04-188	<u>Paul Phelan v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Macoupin County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-189	<u>Wabash Valley Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lawrence County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – The Board granted this request for a 90-day	5-0

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extension of time to file an underground storage tank appeal on behalf of this Champaign County facility.

UST Appeal
90-Day
Ext.

May 20, 2004 Via Videoconference Springfield and Chicago, Illinois

Rulemakings

R04-13 In the Matter of: SDWA Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. 5-0
R, PWS

Adjusted Standards

AS 04-2 In the Matter of: Petition of Jo’Lyn Corporation and Falcon Waste and Recycling for an Adjusted Standard from 35 Ill. Adm. Code Part 807 or in the Alternative A Finding of Inapplicability – The Board ordered petitioner to file an amended petition to cure deficiencies found in the original petition. 5-0
Land

Administrative Citations

AC 03-13 IEPA v. Dan Cadwallader – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1) and of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file by June 10, 2004 a statement of hearing costs, supported by affidavit, with service on respondent. 5-0

AC 04-59 IEPA v. Tim Walker – The Board accepted for hearing this petition for review of an administrative citation against this Macon County respondent. 5-0

AC 04-60 IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales – The Board found the petition for review deficient in this administrative citation involving a Peoria County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than June 21, 2004, or the petition would be subject to dismissal. Complainant was directed to file the appropriate proof of service for respondent Fuller on or before June 4, 2004. If proof of service is not filed, the administrative citation against Fuller would be subject to dismissal. 5-0

AC 04-61 IEPA v. Florence Prophter and Prophter Construction Company – The Board accepted an administrative citation against these Whiteside County respondents. 5-0

AC 04-62 IEPA v. Onyx Environmental Services – The Board found that this respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5-0

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5/21(p)(1) (2002)) in the operation of a vehicle driving between mile markers 201 and 212 along Interstate 55 in Livingston County, and ordered respondent to pay a civil penalty of \$1,500.

- AC 04-63 County of Jackson v. Egon Kamarasy – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent. 5-0
- AC 04-64 County of Jackson v. Egon Kamarasy – The Board found the petition for review deficient in this administrative citation involving a Jackson County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than June 21, 2004, or the petition would be subject to dismissal. 5-0

Decisions

- PCB 03-185 Swif-T-Food Mart (IEPA Letters dated March 3, 2003 and December 1, 1995 to November 20, 2001) v. IEPA – The Board reversed the March 3, 2003 approval of reimbursement of requested costs of corrective action, with modifications. The Board remanded the case to the Illinois Environmental Protection Agency to issue the requested reimbursement. 5-0
UST Appeal

Motions and Other Matters

- PCB 02-3 People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining & Marketing, Inc.) – The Board granted complainant's motions to change caption, to file a reduced number of lengthy attachments, and to replace page 4 of the stipulation with an errata sheet filed May 7, 2004. The Board ordered publication of the required newspaper notice of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Will County facility. 5-0
L&W-E
- PCB 02-78 Ecolab, Inc. v. Occidental Chemical Corporation f/d/b/a Occidental Electrochemicals Corporation – The Board granted the parties' agreed motion for voluntary dismissal of this citizen underground storage tank enforcement action involving a Cook County facility. 5-0
L-E
- PCB 03-51 People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners, and Flameproofers, Inc. – The Board granted complainant's second motion to strike the affirmative defenses, and accepted the amended complaint for hearing. 5-0
A-E
- PCB 03-58 Pechiney Plastic Packaging, Inc. v. IEPA – The Board granted petitioner's motion for voluntary dismissal of this Clean Air Act Permit Program permit appeal involving a Kane County facility. 5-0
P-A, Air
- PCB 04-9 People of the State of Illinois v. Aargus Plastics, Inc. – The Board granted complainant's motion to strike the second, twelfth, thirteenth and fourteenth

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	affirmative defenses and denied the motion to strike the fourth, fifth, sixth, and eleventh affirmative defenses.	A-E
PCB 04-141	<u>Illinois State Toll Highway Authority (Lincoln South HPCAP/B) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Kane County facility.	5-0 P-C-F-S-R
PCB 04-191	<u>Clark Oil Station #848 v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-192	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Cook County.	5-0 L&W-E
PCB 04-193	<u>People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
PCB 04-194	<u>People of the State of Illinois v. Dur-O-Wal, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Kane County.	5-0 W-E
PCB 04-195	<u>Casey's General Stores v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Henry County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-196	<u>Robert Mezo v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Franklin County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-197	<u>Brock Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.	5-0 UST Appeal 90-Day Ext.

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PCB 04-198	<u>Glen's 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
PCB 04-199	<u>Hicks Bulk Distribution v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-200	<u>Clark Oil Station #271 v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	5-0 UST Appeal 90-Day Ext.

New Cases

May 6, 2004 Board Meeting

- 04-180** Larry Weineke v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Massac County facility.
- 04-181** Keller Oil Company/Edgewood v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.
- 04-182** Strohm Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Crawford County facility.
- 04-183** Johnson Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Vermilion County facility.
- 04-184** Pete's Marathon v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility.
- 04-185** Midwest Generation EMF, L.L.C. v. IEPA – The Board accepted for hearing this trade secret appeal.
- 04-186** Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois – No action taken.
- 04-187** Sutter Sanitation, Inc. and LaVonne Haker v. IEPA – The Board accepted for hearing this permit appeal involving an Effingham County facility.
- 04-188** Paul Phelan v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Macoupin County facility.
- 04-189** Wabash Valley Service v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lawrence County facility.
- 04-190** Johnson Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Champaign County facility.
- AC 04-065** IEPA v. Knox County Landfill Committee and Greg Ingles – The Board accepted an administrative citation against these Knox County respondents.
- AC 04-066** IEPA v. Curry Ice & Coal of Springfield, Inc., and Curry Ready Mix & Builder's Supply, Inc. – The Board accepted an administrative citation against these Sangamon County respondents.

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AC 04-067 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-068 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-069 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-070 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-071 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-072 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-073 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AC 04-074 City of Chicago Department of Environment v. Kenneth Harris – The Board accepted an administrative citation against this Cook County respondent.

AS 04-002 In the Matter of: Petition of Jo'Lyn Corporation and Falcon Waste and Recycling for an Adjusted Standard from 35 Ill. Adm. Code Part 807 or in the Alternative A Finding of Inapplicability – Pending receipt of the certificate of publication, the Board held this Hancock County facility's petition for an adjusted standard from the Board's solid waste pollution control regulations. The Board also held the motion for expedited decision.

AS 04-003 In the Matter of: Petition by Hayden Wrecking Corporation for an Adjusted Standard from 35 Ill. Adm. Code Section 620.410(a) – Pending receipt of the certificate of publication, the Board held this Hancock County facility's petition for an adjusted standard from the Board's groundwater quality regulations.

R04-025 In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 – The Board accepted for hearing the April 19, 2004 proposal of the Illinois Association of Wastewater Agencies to amend the Board's water pollution control regulations. The Board also granted petitioner's motion to waive the 200 signature requirement.

May 20, 2004 Board Meeting

04-191 Clark Oil Station #848 v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility.

04-192 People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc. – The Board accepted for hearing this land and water enforcement action involving a site located in Cook County.

04-193 People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc. – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.

04-194 People of the State of Illinois v. Dur-O-Wal, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Kane County.

04-195 Casey's General Stores v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Henry County facility.

04-196 Robert Mezo v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Franklin County facility.

04-197 Brock Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.

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04-198 Glen's 66 v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.

04-199 Hicks Bulk Distribution v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.

04-200 Clark Oil Station #271 v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

AC 04-075 EPA v. Charles L. Parker – The Board accepted an administrative citation against this Logan County respondent.

AC 04-076 IEPA v. Landfill, L.L.C., West End Disposal Facility, and Danny Bowman – The Board accepted an administrative citation against these Saline County respondents.

AC 04-077 IEPA v. Frank Bencie – The Board accepted an administrative citation against this Franklin County respondent.

AC 04-078 IEPA v. Daniel Pauley – The Board accepted an administrative citation against this St. Clair County respondent.

R04-026 In the Matter of: Proposed 35 Ill. Adm. Code 304.123(g), 304.123(h), 304.123(i), 304.123(j), and 304.123(k) – No action taken.

Calendar

6/03/04 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
6/07/04 10:00AM	PCB 04-83	Wei Enterprises (March 1, 2002 to February 28, 2003) v. IEPA	Belleville City Council Chambers 101 S. Illinois Street Belleville
6/10/04 10:00AM	PCB 03-88 PCB 04-109	R. W. Sheridan Oil Company (High Priority Corrective Action Plan) v. IEPA (Consolidated: PCB 03-88 and 04-109)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
6/10/04 10:00AM	PCB 04-52	Kramer's Service Station v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield

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6/17/04	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago
6/21/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
6/22/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
6/23/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
6/24/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
6/25/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
7/6/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield

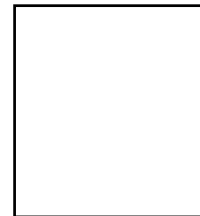
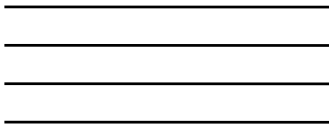
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<p>7/08/04 11:00AM</p>	<p align="center"><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>7/22/04</p>	<p align="center"><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago</p>
<p>8/5/04</p>	<p align="center"><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board Room 1021 North Grand Avenue East North Entrance Springfield</p>
<p>8/12/04 1:00PM</p>	<p>R04-25</p>	<p>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield</p>
<p>8/19/04</p>	<p align="center"><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago</p>

The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The Environmental Register is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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Environmental Register Coordinator
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