
Environmental Register

January 2002 - Number 571

The Environmental Register is a Publication of the Illinois Pollution Control Board

Claire A. Manning, Chairman

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Letter from the Chairman

The environment in which we live and work is constantly changing. That has been emphasized recently by the changes at several organizations often involved in rulemaking proceedings before the Board.

Jonathan Goldman took over the helm of the Illinois Environmental Council (IEC) on January 7, 2002. Before becoming IEC's executive director, Goldman was the director of policy and governmental affairs for the Citizens Utility Board. He also served as the executive director of the Lead Elimination Action Drive, where he successfully lobbied for legislation establishing a lead poisoning prevention program.



After ten years as IEC's executive director, Lynne Padovan switched from lobbying for the non-profit group to working in State government. On October 15, 2001, Padovan started her new position as Governor George H. Ryan's senior policy adviser for environment and natural resources. Padovan replaces Renee Cipriano.

Cipriano became the director of the Illinois Environmental Protection Agency (IEPA) in August 2001. Cipriano returned to IEPA after Tom Skinner left State government to tackle the role of regional administrator of the United States Environmental Protection Agency Region 5. Cipriano had worked at IEPA from 1995-1997 as associate director and chief legal counsel.

Katherine Hodge takes over as interim executive director of the Illinois Environmental Regulatory Group (IERG) on February 1, 2002. Hodge has been part of IERG for 16 years. Prior to forming her own law firm (Hodge Dwyer Zeman), Hodge served as IERG's general counsel. Hodge replaces D.K. Hirner, who left IERG to accept a position with the Governor's Office in the State of Missouri.

While there have been a lot of leadership changes in the environmental community, many of the people are familiar to the Board. We look forward to working with Goldman, Padovan, Cipriano, Skinner, and Hodge and we wish them well in their new capacities.

Sincerely,



Claire A. Manning, Chairman

Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 5
BOARD ACTIONS	P. 9
NEW CASES	P. 16
BOARD CALENDAR	P. 18
IEPA RESTRICTED STATUS LIST	P. 20
IEPA CRITICAL REVIEW LIST	P. 21

Federal Update

United States Environmental Protection Agency Adopts Long Term 1 Enhanced Surface Water Treatment Rule Under the Safe Drinking Water Act

On January 14, 2002, the United States Environmental Protection Agency (USEPA) adopted amendments to the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). 67 Fed. Reg. 1811.

The purposes of the LT1ESWTR are to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water and to address risk trade-offs with disinfection byproducts. The rule will require systems to meet strengthened filtration requirements as well as to calculate levels of microbial inactivation to ensure that microbial protection is not jeopardized if systems make changes to comply with disinfection requirements of the Stage 1 Disinfection and Disinfection Byproducts Rule (DBPR).

The LT1ESWTR applies to public water systems that use surface water or groundwater under the direct influence of surface water and serve fewer than 10,000 persons. The LT1ESWTR builds upon the framework established for systems serving a population of 10,000 or more in the Interim Enhanced Surface Water Treatment Rule (IESWTR). This rule was proposed in combination with the Filter Backwash Recycling Rule (FBRR) in April 2000.

This regulation is effective January 18, 2002. For further information contact Tom Grubbs at (202) 564-5262. For general information contact the Safe Drinking Water Hotline, telephone (800) 426-4791.

The Board will incorporate any necessary amendments to the Primary Drinking Water regulations in a future identical-in-substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (2000)).

United States Environmental Protection Agency Adopts Direct Final Rules and Proposes Identical Amendments for Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes

On January 29, 2002, the United States Environmental Protection Agency (USEPA) took direct final action to remove restrictions previously imposed on the use of certain substitutes for ozone-depleting substances (ODSs) under the Significant New Alternatives Policy (SNAP) program. 67 Fed. Reg. 4185 and 67 Fed. Reg. 4222.

Specifically, USEPA rescinded use conditions imposed under the SNAP program that limit human exposure to halocarbon and inert gas agents used in the fire suppression and explosion protection industry. These use conditions are redundant with safety standards that have since been established by the National Fire Protection Association (NFPA). These halocarbon and inert gas agents will now either be acceptable or acceptable subject to narrowed use limits, depending on the specific agent.

Environmental Register – January 2002

USEPA also took direct final action to change the listing from acceptable, subject to use conditions, to unacceptable, for a fire suppressant which the manufacturer has withdrawn from the market because of concerns about fetal toxicity; added a substitute to the SNAP list of acceptable substitutes with narrowed use limits in the fire suppression and explosion protection sector; and changed a listing decision to remove a restriction from one substitute to make it an acceptable agent for fire suppression and explosion protection, without use conditions or narrowed use limits.

USEPA issued a companion proposal to the direct final rule in the same issue of the Federal Register (at 67 Fed. Reg. 4222), and stated that they would withdraw the direct final rule if they received any adverse comments in response to an amendment, table, or table entry of the direct final rule.

This rule is effective on April 1, 2002 without further notice, unless EPA receives adverse comment or receives a request for a public hearing by February 28, 2002.

For further information contact Margaret Sheppard at (202) 564-9163. Also contact the Stratospheric Protection Hotline at (800) 296-1996 and EPA's Ozone Depletion World Wide Web site at <http://www.epa.gov/ozone/title6/snap/>.

United States Environmental Protection Agency Finalizes Amendments to Coal Mining Point Source Category; Amendments to Effluent Limitations Guidelines and New Source Performance Standards

On January 23, 2002, the United States Environmental Protection Agency (USEPA) adopted amendments to the current regulations for the Coal Mining Point Source Category by adding two new subcategories to the existing regulations. 67 Fed. Reg. 3369.

These amendments established a Coal Remining Subcategory that addresses pre-existing discharges at coal remining operations. Also in this rulemaking, USEPA established a Western Alkaline Coal Mining Subcategory that addresses drainage from coal mining reclamation and non-process areas in the arid and semi-arid western United States. USEPA stated that the establishment of new subcategories has the potential to create significant environmental benefits at little or no additional cost to the industry by encouraging remining activities while reducing hazards associated with abandoned mine lands. The new remining subcategory has the potential to significantly improve water quality by reducing the discharge of acidity, iron, manganese, and sulfate from abandoned mine lands. USEPA projects total monetized annual benefits of \$0.7 million to \$1.2 million due to remining. Additionally, USEPA expects that the amendments will result in significant ecological and public safety benefits that could not be quantified and/or monetized. Annual compliance costs for this new subcategory have been projected at \$0.33 million to \$0.76 million.

This regulation is effective February 22, 2002. For additional technical information contact William Telliard at (202) 260-7134 or Telliard.William@EPA.gov. For additional economic information contact Kristen Strellec at (202) 260-6036 or Strellec.Kristen@EPA.gov.

United States Environmental Protection Agency Adopts Amendments to the Corrective Action Management Unit Rule Under the Resource Conservation and Recovery Act

On January 22, 2002, the United States Environmental Protection Agency (USEPA) adopted amendments to the regulations governing Corrective Action Management Units. 67 Fed. Reg. 2961.

Corrective Action Management Units, or CAMUs, are special units created under the Resource Conservation and Recovery Act (RCRA) to facilitate treatment, storage, and disposal of hazardous wastes managed for implementing cleanup, and to remove the disincentives to cleanup that the application of RCRA to these wastes can sometimes impose.

The original CAMU regulations were promulgated on February 16, 1993. In these amendments, USEPA established a specific definition, distinct from the definition of remediation waste, to govern the types of wastes that are eligible for placement in CAMUs. USEPA also established more detailed minimum design and operating standards for CAMUs in which waste will remain after closure, with opportunities for Regional Administrators to approve alternate design standards under certain circumstances. Additionally, USEPA established treatment

Environmental Register – January 2002

requirements for wastes that are placed in CAMUs, including minimum treatment standards, with opportunities to adjust treatment requirements under certain circumstances.

These adopted amendments require more specific information requirements for CAMU applications, as is public notice and a reasonable opportunity for public comment before final CAMU determinations are made. These amendments also add new requirements for CAMUs that will be used only for treatment and storage. Finally, this rulemaking “grandfathers” certain types of existing CAMUs and allows them to continue to operate under the 1993 rule.

This rulemaking also amended the regulations for staging piles to expressly allow for mixing, blending, and other similar physical operations intended to prepare wastes for subsequent management or treatment. It also added a new provision allowing off-site placement of hazardous CAMU-eligible waste in hazardous waste landfills, if they are treated to meet CAMU treatment standards. Finally, these amendments grant interim authorization for these CAMU amendments to states that are authorized for the 1993 CAMU rule, and it expedites state authorization for the CAMU rule for states that are authorized for the RCRA corrective action program but not the 1993 CAMU rule.

This final rule is effective April 22, 2002. For further information contact Tricia Buzzell, at (703) 308-8632, or e-mail buzzell.tricia@epa.gov. For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (hearing impaired) (800) 553-7672.

The Board has incorporated these amendments into the identical-in-substance docket R02-1/R02-12/R02-17. A proposal for public comment for this docket was adopted at the Board’s January 24, 2002 meeting. Board adoption of final rules is expected in May, 2002 pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2000)).

United States Environmental Protection Agency Proposes Amendments to Resource Conservation and Recovery Act Burden Reduction Initiative

On January 17, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to reduce the recordkeeping and reporting burden of the Resource Conservation and Recovery Act (RCRA). 67 Fed. Reg. 2517

USEPA does not anticipate that the burden reduction ideas in this proposal will have an impact on the protections for human health and the environment. The intention of this rulemaking is to eliminate non-essential paperwork. This proposal is based on suggestions and comments generated by a notice published June 18, 1999, in the Federal Register (64 Fed. Reg. 32859) which specifically requested comments on an initial set of burden reduction ideas.

Written comments must be received by April 17, 2002.

For further information contact: contact Mr. Robert Burchard at 703-308-8450, burchard.robert@epa.gov. For general information, call the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired).

If rules are adopted by USEPA, the Board will include any necessary amendments in a future RCRA identical in substance rulemaking pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2000)).

United States Environmental Protection Agency Proposes Amendments to Clean Air Act Rules for Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Proposed Non-Conformance Penalties for 2004 and Later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles

On January 16, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to establish that nonconformance penalties (NCPs) will be made available for the 2004 and later model year non-methane hydrocarbons and nitrogen oxides (NMHC+NOX) standard for heavy-duty diesel engines and vehicles. 67 Fed. Reg. 2159.

Environmental Register – January 2002

In general, the availability of NCPs allows a manufacturer of heavy-duty engines (HDEs) or heavy-duty vehicles (HDVs) (which include heavy light-duty trucks) whose engines or vehicles fail to conform with certain applicable emission standards, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. The proposed upper limit associated with the 2004 emission standard for NMHC+NOX is 4.5 grams per brake-horsepower-hour for light and medium heavy-duty engines and urban buses, and 6.0 grams per brake-horsepower-hour for heavy heavy-duty engines.

For further information contact Margaret Borushko at (734) 214-4334; e-mail address: borushko.margaret@epa.gov.

If rules are adopted by USEPA, the Board would expect the Illinois Environmental Protection Agency to propose similar State rules for adoption using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000)).

United States Environmental Protection Agency Proposes Amendments to Clarifications to Existing National Emissions Standards for Hazardous Air Pollutants Delegations' Provisions Under the Clean Air Act

On January 16, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to the national emission standards for hazardous air pollutants (NESHAP). 67 Fed. Reg. 2285.

USEPA states that this proposal is part of the section 112(l), “Approval of State Programs and Delegation of Federal Authorities” rulemaking process, where USEPA agreed to clarify which portions of the existing national emission standards for hazardous air pollutants (NESHAP) contain authorities that can be delegated to State, Local, and Tribal (S/L/T) agencies (September 14, 2000).

USEPA intends this rulemaking to clarify which parts of the existing NESHAP can be delegated to S/L/T agencies by adding or modifying a section in each NESHAP to describe the authorities that can be delegated to S/L/T agencies and those that must be retained by USEPA. In addition, to further clarify which portions of the NESHAP are delegable, some NESHAP standards sections were slightly reorganized or rephrased to separate delegable from non-delegable authorities. USEPA states that these clarifications do not change any substantive NESHAP requirements for industrial sources.

For further information contact Mr. Tom Driscoll at (919) 541-5135, or e-mail at driscoll.tom@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

United States Environmental Protection Agency Proposes Significant New Use Rule for Certain Chemical Substances Under The Toxic Substances Control Act

On January 15, 2002, the United States Environmental Protection Agency (USEPA) proposed a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA). 67 Fed. Reg. 1937

The rulemaking affects the following six chemical substances: C.I. Pigment Orange 20 (CAS No. 12656-57-4); Chromic Acid, Lead(2+) Salt (1:1) (CAS No. 7758-97-6); Chromium Lead Molybdenum Oxide (CAS No. 12709-98-7); Lead Molybdenum Oxide (CAS No. 10190-55-3); Sulfuric Acid, Lead(2+) Salt (1:1) (CAS No. 7446-14-2); and C.I. Pigment Red 104 (CAS No. 12656-85-8). This action proposes to require persons who intend to manufacture, import, or process any of these chemical substances for use in aerosol spray paint for non-industrial, indoor spray application to notify USEPA at least 90 days before commencing such activities. The required notification would provide USEPA with the opportunity to evaluate the intended use, and if necessary, prohibit or limit that activity before it occurs.

For further information contact Barbara Cunningham at (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov

United States Environmental Protection Agency Extends the Comment Period for and Announces Public Meetings on the Proposed Establishment of Electronic Reporting; Electronic Records Rule

On January 3, 2002, the United States Environmental Protection Agency (USEPA) extended the comment period on its proposed rule for establishment of electronic reporting and electronic records for an additional 30 days. 67 Fed. Reg. 278. The comment period will now close on February 27, 2002.

On August 31, 2001 (66 FR 46162), USEPA proposed conditions under which USEPA would allow submission of electronic documents and maintenance of electronic records to satisfy federal environmental reporting and record-keeping requirements in USEPA's regulations.

For further information contact David Schwarz at (202) 260-2710, schwarz.david@epa.gov, or Evi Huffer at (202) 260-8791, huffer.evi@epa.gov.

Rule Update

Board Adopts Identical-in-Substance Amendments in Wastewater Pretreatment Update, USEPA Amendments (January 1 2001, through June 30, 2001), R02-3

On January 10, 2001, the Board adopted final amendments to the Illinois regulations that are identical in substance to the wastewater pretreatment regulations that USEPA adopted pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the federal Water Pollution Control Act (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(9) (1994)). Included are amendments that USEPA adopted during the period of January 1, 2001 through June 30, 2001. USEPA amended its wastewater pretreatment regulations six times during that period: January 16, 2001 (66 Fed. Reg. 3466); January 22, 2001 (66 Fed. Reg. 3770); May 15, 2001 (66 Fed. Reg. 26795); June 8, 2001 (66 Fed. Reg. 30807); June 18, 2001 (66 Fed. Reg. 32774); and June 20, 2001 (66 Fed. Reg. 33134).

In this action, the Board adopted technical corrections to the test procedures for the determination of mercury in water and wastewater. Only minor changes were made in the proposed rules at final adoption.

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 13.3 (2000)) provide for quick adoption of regulations that are identical in substance to federal wastewater pretreatment regulations that USEPA adopts. Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (2000)), do not apply to the Board's adoption of identical in substance regulations. Therefore, the amendments are not subject to first- or second-notice review by the Joint Committee on Administrative Rules.

The proposal for public comment was published on October 26, 2001 (25 Ill. Reg. 13373). The 45-day public comment period ended on December 10, 2001. The Board did not receive any public comments on the proposal.

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

Board Adopts Final Rules in Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742, R00-19(C)

On January 24, 2002, the Board adopted final amendments to 35 Ill. Adm. Code 742, Tiered Approach to Corrective Action Objectives (TACO), of the Board's land regulations.

This docket was opened by the Board on June 7, 2001 for the purpose of addressing the methyl tertiary butyl ether (MTBE) cleanup standards that were originally contained in the May 15, 2000 proposal by the Illinois Environmental Protection Agency (Agency) to amend 35 Ill. Adm. Code 742 of the Board's land regulations.

Environmental Register – January 2002

The cleanup standards for MTBE were originally proposed at first-notice as part of the Board's first notice opinion and order in R00-19(B). See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B) (July 27, 2000). By creating a separate Subdocket C for the MTBE amendments, the Board intended to coordinate this rulemaking with another then-pending Agency proposal that would add groundwater quality standards for MTBE. See generally Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620, R01-14.

The proposed amendments in R00-19(C) were published in the *Illinois Register* on September 21, 2001 at 25 Ill. Reg. 11994. During the first-notice public comment period, the Board received two public comments. The Agency filed supplemental comments and exhibits on October 11, 2001 and the Petroleum Council filed comments on November 1, 2001. Both comments support the substance of the proposal. Only minor, nonsubstantive changes were made to the proposal that was published at first-notice.

While public hearings were not held in this Subdocket, three public hearings were held in Subdockets A and B. At the time of the public hearings, the proposed MTBE cleanup standards were part of Subdocket B. The first and third hearings were held in Chicago on August 25 and September 21, 2000. The second hearing was held in Springfield on September 11, 2000.

The effective date for these amendments is February 5, 2002. The adopted amendments are due to be published in the *Illinois Register* on February 22, 2002.

For additional information contact Amy Jackson at 217/524-8507; e-mail address: jacksona@ipcb.state.il.us

Board Adopts Final Rules in Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14

On January 24, 2002, the Board adopted final amendments to the Board's public water supply regulations at 35 Ill. Adm. Code 620.

The adopted regulations amended the Board's groundwater quality regulations to include a preventative response level, in addition to Class I and Class II groundwater standards, for methyl tertiary butyl ether (MTBE). The regulations also clarified sampling procedures for certain existing drinking water supply wells. The Board made no changes in the proposed standards described above at second notice, and made only nonsubstantive typographical and grammatical changes in the final version.

On September 1, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking to amend the Board's regulations at 35 Ill. Adm. Code 620. The Agency proposed the addition of an MTBE Class I Potable Resource Groundwater standard and an MTBE Class II General Resource Groundwater standard of 70 ppb for both classes. In addition, the Agency proposed a preventive response level for MTBE of 20 ppb.

Two public hearings were held in this matter before Board Hearing Officer Joel Sternstein in Springfield on March 1, 2001, and in Chicago on April 5, 2001.

The proposed amendments contained in the Board's first notice opinion and order were published in the *Illinois Register* at 25 Ill. Reg. 11973, September 21, 2001. See Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14 (Sept. 6, 2001). Three public comments were received.

The effective date for these amendments is February 5, 2002. The adopted amendments are due to be published in the *Illinois Register* on February 22, 2002.

For additional information contact Joel Sternstein at 312/814-3665; e-mail address: sternsteinj@ipcb.state.il.us

Board adopts Proposal For Public Comment In RCRA Subtitle C Update, USEPA Amendments (January 1, 2001, through June 30 2001) RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through

Environmental Register – January 2002

December 31, 2001, and January 22, 2002) UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001) R02-1/ R02-12 / R02-17 (Identical-in-Substance Rulemaking - Land)(Consolidated)

On January 24, 2002, the Board consolidated these dockets and proposed for public comment amendments that are “identical in substance” to hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2000 amendments that USEPA adopted in the period January 1, 2001 through June 30, 2001, and that for docket R02-12 includes federal RCRA Subtitle C amendments that USEPA adopted in the period July 1, 2001 through December 31, 2001.

For reasons of administrative economy, the Board consolidated dockets R02-1, R02-12, and R02-17. At the January 9, 2002 request of the Illinois Environmental Protection Agency (Agency), the Board added to docket R02-12 federal amendments adopted January 22, 2002. These amendments would normally wait at least six months until the next subsequent update period. The January 22, 2002 amendments cover corrective action management units (CAMUs); USEPA stated that it intends to implement them in Illinois as federal rules by April 22, 2002 unless Illinois can commit to implement the amendments as State rules by that time.

Sections 7.2 and 22.4(a) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (2000)). Similarly, Sections 7.2 and 13(c) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300h (2000)). Sections 13(c) and 22.4(a) also provide that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279. The federal UIC regulations are found at 40 C.F.R. 144 through 148.

The proposed amendments will be published in the *Illinois Register* on February 22, 2002.

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

Board Accepts for Hearing the Illinois Association of Wastewater Agencies’ Proposed Amendments to Ammonia Nitrogen Standards: 35 Ill. Adm. Code 302.212, 302.213, and 304.122, R02-19

On January 24, 2002, the Board accepted for hearing the January 17, 2002 proposal of the Illinois Association of Wastewater Agencies (IAWA) to amend the Board’s water pollution control regulations Proposed Amendments to Ammonia Nitrogen Standards: 35 Ill. Adm. Code 302.212, 302.213, and 304.122, R02-19. The IAWA proposal suggests amending the Board’s ammonia nitrogen standards based on a 1999 National Criteria Document (NCD) for ammonia issued by the United States Environmental Protection Agency (USEPA). No change is proposed to the general water quality standard for total ammonia nitrogen. IAWA proposes to change both the acute and chronic general use water quality standards for un-ionized ammonia, and to add a calculation for sub-chronic ammonia. Additionally, IAWA proposes repeal of a relief mechanism for “Effluent Modified Waters,” asserting that the mechanism has been unused.

Hearings in this matter have been scheduled for March 25, 2002 in Chicago and April 23, 2002 in Springfield. For additional information contact Cathy Glenn at 312/814-6923; e-mail address: glennc@ipcb.state.il.us

Board Grants Motion to Reconsider And Adopts Some Amendments to its Second Notice Order in Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 102.800-102.830, R01-13

On January 24, 2002, the Board considered the January 7, 2002 motion of the Illinois Environmental Regulatory Group (IERG) and the Illinois Association of Wastewater Agencies (IAWA) for reconsideration of the Board’s December 6, 2001 second notice opinion and order.

These rules were scheduled for consideration by the legislative Joint Committee on Administrative Rules (JCAR) at its January 9, 2002. Since the Board’s first scheduled meeting after receiving the IERG/IAWA motion was January

Environmental Register – January 2002

10, 2002, the Board could not rule on the motion prior to the January 9, 2002 JCAR meeting. So, IERG also moved that the Board notify JCAR that the Board would agree to an extension of the second-notice period. However, at JCAR's own request, the Board agreed to an extension of the second-notice period pursuant to Section 5-40 (c) of the Administrative Procedure Act (5 ILCS 100/5-40(c)). JCAR accordingly rescheduled the rules for consideration at its February 5, 2002 meeting.

On January 24, 2002, the Board granted part of the IERG/IAWA motion to reconsider by proceeding with their suggested language change to Section 302.105(b)(3). However, the Board denied the rest of the requested changes.

For additional information contact Marie Tipsord at 312/814-4925; e-mail address: tipsordm@ipcb.state.il.us

Board Grants the United States Environmental Protection Agency's Motion For an Extension of the Public Comment Period in Wastewater Pretreatment Update, USEPA Amendments (October 3, 2001) (Identical-in-Substance Rulemaking - Water), R02-9

On January 24, 2002, the Board extended the public comment period for this identical-in-substance rulemaking from January 14, 2002 to February 15, 2002 in response to a January 11, 2002 motion of the U.S. Environmental Protection Agency (USEPA).

The Board issued its proposal for public comment in this matter on November 15, 2001 in response to an October 31, 2001 motion for expedited consideration from the Illinois Environmental Protection Agency (Agency) and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC). In the proposal for public comment, the Board proposed amendments to the Illinois regulations that were "identical in substance" to wastewater pretreatment regulations that the USEPA adopted to implement the federal Project eXcellence and Leadership (Project XL) on October 3, 2001. *See* 66 Fed. Reg. 50334. The amendments included procedural elements the Board believed necessary to accommodate the Illinois environmental system.

The proposal was published in the *Illinois Register* on November 30, 2001. *See* 25 Ill. Reg. 15365. The public comment period would have expired on January 14, 2002 since the public comment period in identical in substance dockets lasts for 45 days after the date of publication of the *Illinois Register*.

In the motion for extension of time, USEPA requested more time to review the portion of the proposal that differs from the federal regulations. Since neither the Agency nor the MWRDGC objected to USEPA's motion, the Board extended USEPA's public comment deadline until February 15, 2002.

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

Board Actions

January 10, 2002

Via Video Conference Between Springfield and Chicago, Illinois

Rulemakings

R02-3	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2001 through June 30, 2001)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	6-0 R, PWS
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Adjusted Standard

AS 01-7	<u>In the Matter of: Petition of Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)</u> – The Board granted this Jersey County facility an adjusted standard from the definition of solid waste, pursuant to 35 Ill Adm. Code 720.131(c), subject to conditions.	6-0 RCRA
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AS 01-9	<u>In the Matter of: Petition of Rhodia, Inc., Thorn Creek Basin Sanitary District, Takasago Corporation (U.S.A.) and Consumers Illinois Water Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> – The Board granted this Cook County facility an adjusted standard from the effluent discharge requirement, pursuant to 35 Ill Adm. Code 304.105, subject to conditions. The Board denied as unnecessary the petitioner’s request for an adjusted standard from 35 Ill. Adm. Code 302.208.	6-0 Water
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Administrative Citations

AC 01-16)	<u>County of Sangamon v. Everett Daily</u> – The Board granted complainant’s motion for summary judgment and denied respondent’s motion for summary judgment. The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	5-1
AC 01-17)		Girard
Cons.		dissented

AC 02-18	<u>IEPA v. Bradney Luckhart</u> – The Board accepted respondent’s amended petition for review and ordered this matter to proceed to hearing.	6-0
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AC 02-20	<u>IEPA v. Housewright Lumber Co., William A. Housewright, and George Hartmann</u> – The Board granted complainant’s motion to dismiss respondent George Hartmann from this proceeding.	6-0
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AC 02-22	<u>IEPA v. Charles F. Kinsel</u> – The Board found that this Fulton County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	6-0
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Environmental Register – January 2002

AC 02-23	<u>IEPA v. Kim Joines</u> – The Board found that this Douglas County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	5-1 Girard dissented
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Decisions

PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> – In this Resource Conservation and Recovery Act enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement for the Consolidated Rail Corporation. (Conrail) only, ordered Conrail to pay a civil penalty of \$5,000, and to cease and desist from further violations.	6-0 RCRA-E
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PCB 02-4	<u>City of Streator v. IEPA</u> –The Board granted petitioner a variance, subject to conditions, from 35 Ill. Adm. Code 306.402, solely to allow the Super 8 Motel and the Kroger strip mall to connect to petitioner’s sewage treatment plant in LaSalle County, Illinois.	6-0 W-V, NPDES
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Provisional Variance

PCB 02-93	<u>Garrett Aviation, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Sangamon County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	6-0 L-V, RCRA
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Motions and Other Matters

PCB 01-154	<u>David P. Houghtaling v. Tire Management, Inc.</u> – The Board granted respondent's motion to dismiss this citizen noise enforcement action involving a Kane County facility.	6-0 Citizens N-E
PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – The Board granted complainant 30 days to provide proof of proper service. The Board reserved ruling on the complainant’s motion to deem facts admitted and for summary judgment.	6-0 RCRA-E
PCB 02-39	<u>Forest Preserve District of Cook County (Rolling Meadows) 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.	6-0 UST Appeal

Environmental Register – January 2002

PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – The Board found that the alleged violations Section 9(a) of the Act (415 ILCS 5/9(a) (2000), and Sections 900.102 and 901.102(a) of the Board’s regulations (35 Ill. Adm. Code 900.102, 901.102(a)) were neither duplicitous nor frivolous, dismissed the alleged violations of Sections 201.102 and 243.102(a) (35 Ill. Adm. Code 201.102, 243.102(a)) as frivolous, and accepted this matter involving a McHenry County facility for hearing.	6-0 Citizens A&N-E
PCB 02-42	<u>City of Canton v. IEPA</u> – The Board accepted petitioner’s amended petition in response to December 6, 2001 Board order, noting that it restarted the Board’s decision time clock.	6-0 PWS-V
PCB 02-45	<u>Heritage Environmental Services, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no Resource Conservation and Recovery Act permit appeal was filed on behalf of this Cook County facility.	6-0 P-A
PCB 02-61	<u>Amtrak v. IEPA</u> – Upon receipt of petitioner’s letter dated January 4, 2002, the Board dismissed as unnecessary this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	6-0 UST Appeal
PCB 02-62	<u>Amtrak v. IEPA</u> – Upon receipt of petitioner’s letter dated January 4, 2002, the Board dismissed as unnecessary this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	6-0 UST Appeal
PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Whiteside County facility.	6-0 UST Fund
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – The Board found that the petition was deficient in this air variance request involving a Cook County facility, and ordered petitioner to file an amended petition to cure specified deficiencies no later than February 24, 2002 or the petition would be subject to dismissal.	6-0 A-V
PCB 02-80	<u>People of the State of Illinois v. Caterpillar, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 02-81	<u>People of the State of Illinois v. Tosco Refining Company</u> – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	6-0 RCRA-E

Environmental Register – January 2002

PCB 02-82	<u>People of the State of Illinois v. Di Paolo Company</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.	6-0 W-E
PCB 02-84	<u>People of the State of Illinois v. Bill Palmer d/b/a Commercial Group, Frank Glosky d/b/a Glosky Realty, and R.A.S. Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a Kendall County facility.	5-0 W-E
PCB 02-85	<u>MAC Investments 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 Cook County facility.	5-0 UST Fund 90-Day Ext.
PCB 02-86	<u>Lockformer Company v. IEPA</u> – The Board accepted for hearing this site remediation program appeal involving a DuPage County facility.	5-0 SRP Appeal
PCB 02-87	<u>City of Salem v. IEPA</u> – The Board accepted for hearing this request for variance involving a Marion County public water supply.	5-0 PWS-V
PCB 02-88	<u>City of Centralia v. IEPA</u> – The Board accepted for hearing this request for variance involving a Marion County public water supply.	5-0 PWS-V
PCB 02-90	<u>Tri County FS, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Tri County, Inc. located in Jersey County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C
PCB 02-91	<u>Rezmar Corporation 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 Cook County facility.	5-0 Melas abstained UST Fund
PCB 02-92	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	6-0 UST Fund

Environmental Register – January 2002

January 24, 2002
Chicago, Illinois

Rulemaking

R00-19(C)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742</u> – The Board adopted a final opinion and order in this rulemaking which added methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for under the TACO standards.	7-0 R, Land
R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 106.990 – 106.995</u> – The Board granted the Illinois Environmental Regulatory Group's (IERG) motion to reconsider the Board's December 6, 2000 opinion and order in part and will proceed with the suggested language change offered by IERG to Section 302.105(b)(3). The Board denied the Illinois Association of Wastewater Agencies and IERG's remaining motions to reconsider and IERG's motion for leave to file a reply.	7-0 R, Water
R01-14	<u>In the Matter of: Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620</u> – The Board adopted a final opinion and order in this rulemaking which amended the Board's public water supply regulations by adding a groundwater quality standard for methyl tertiary-butyl ether (MTBE).	7-0 R, PWS
R02-1 R02-12 R02-17 (Cons.)	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1 2001, through December 31, 2001 and January 22, 2002); In the Matter of: UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001)</u> – On its own motion the Board consolidated these "identical-in-substance" rulemakings and adopted a proposal for public comment to amend the Board's hazardous waste and underground injection control regulations.	7-0 R, Land
R02-9	<u>In the Matter of: Waste Water Pretreatment Update, USEPA Amendments (October 3, 2001)</u> – The Board granted the United States Environmental Protection Agency's motion for and extended the public comment period until February 15, 2002.	7-0 R, Water
R02-19	<u>In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213, and 304.122</u> – The Board accepted for hearing the Illinois Association of Wastewater Agencies January 17, 2002 proposal to amend the Board's water pollution control regulations. The Board also granted petitioner's motion to waive the signature requirement.	7-0 R, Water

Environmental Register – January 2002

Administrative Citations

AC 02-25	<u>IEPA v. Robert Wiersema</u> – The Board dismissed respondent’s petition for review for lack of jurisdiction. The Board found that this Cook County respondent violated Sections 21(p)(1), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$4,500.	6-1 Girard dissented
AC 02-27	<u>IEPA v. John Firebaugh</u> – The Board accepted this petition for review of an administrative citation against this Jefferson County respondent.	7-0
AC 02-28	<u>IEPA v. Larry Beam</u> – The Board found that this Henry County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500.	6-1 Girard dissented
AC 02-32	<u>IEPA v. Colorado Real Estate & Investment Company</u> – The Board accepted an administrative citation against this Peoria County respondent.	
AC 02-33	<u>IEPA v. Lewey Shields, Lisa Shields, and Paul Shields</u> – The Board accepted an administrative citation against these Champaign County respondents.	

Decisions

PCB 01-66	<u>People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc.</u> – In this water enforcement action concerning a Kankakee 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	7-0 W-E
PCB 02-80	<u>People of the State of Illinois v. Caterpillar, Inc.</u> – In this air enforcement action concerning a Tazewell 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations.	7-0 A-E
PCB 02-81	<u>People of the State of Illinois v. Tosco Refining Company</u> – In this Resource Conservation and Recovery Act 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations.	7-0 RCRA-E

Environmental Register – January 2002

Motions and Other Matters

PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> – The Board denied respondent Briggs’ motion for reconsideration but granted its motion for clarification of the Board’s September 6, 2001 interim opinion and order. The matter was directed to hearing on issues of technical and monetary relief.	7-0 L-E
PCB 00-202	<u>People of the State of Illinois v. American Driveway Maintenance, Inc.</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 Winnebago County facility, the Board ordered publication of the required newspaper notice	7-0 W-E
PCB 01-128	<u>B.L.T., Inc. v. Sixth Street Developers, ORF, Inc., Roland Industries, Inc., VT Properties, Inc., and Freesen, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this citizen land enforcement complaint and cross-complaint involving a facility located in Sangamon County.	7-0 Citizens L-E
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – The Board granted complainant’s motion to strike 10 of the 11 affirmative defenses raised by respondent. The Board denied the complainant’s motion to strike respondent’s fourth affirmative defense concerning laches and ordered this matter to proceed to hearing.	7-0 W-E
PCB 02-10	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> – The Board granted complainant’s motion to change hearing officer and denied respondent’s motion to dismiss.	7-0 Citizens N-E
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> – The Board struck respondent’s second and third affirmative defenses, declined to strike the sixth affirmative defense, and ordered this matter to proceed to hearing.	7-0 Citizens N-E
PCB 02-46	<u>Marcley 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 Kane County facility.	7-0 UST Fund
PCB 02-48	<u>Economy Mechanical Industries, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund
PCB 02-49	<u>Fox River Water Reclamation District (South Plant) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kane County facility.	7-0 P-A, NPDES

Environmental Register – January 2002

PCB 02-73	<u>People of the State of Illinois v. Bernie C. Morris</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 Edgar County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-78	<u>Ecolab, Inc. v. Occidental Chemical Corporation</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Cook County facility.	6-1 Flemal dissented Citizens UST-E
PCB 02-83	<u>The American Coal Company (Galatia) v. IEPA</u> – The Board accepted for hearing this tax certification appeal involving a Saline County facility.	7-0 T-C
PCB 02-94	<u>Illinois State Toll Highway Authority 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 DuPage County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-95	<u>Case Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, NPDES
PCB 02-96	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST Appeal
PCB 02-97	<u>Midwest Illinois Auto/Truck Plaza, Inc. 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 Bond County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-99	<u>Riverview FS, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Riverview FS, Inc. located in Winnebago County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

New Cases

January 10, 2002 Board Meeting

02-80 People of the State of Illinois v. Caterpillar, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.

Environmental Register – January 2002

02-81 People of the State of Illinois v. Tosco Refining Company – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.

02-82 People of the State of Illinois v. Di Paolo 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 involving a Lake County facility, the Board ordered publication of the required newspaper notice.

02-84 People of the State of Illinois v. Bill Palmer d/b/a Commercial Group, Frank Glosky d/b/a Glosky Realty, and R.A.S. Development, Inc. – The Board accepted for hearing this water enforcement action involving a Kendall County facility.

02-85 MAC Investments 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 Cook County facility.

02-86 Lockformer Company v. IEPA – The Board accepted for hearing this site remediation program appeal involving a DuPage County facility.

02-87 City of Salem v. IEPA – The Board accepted for hearing this request for variance involving a Marion County public water supply.

02-88 City of Centralia v. IEPA – The Board accepted for hearing this request for variance involving a Marion County public water supply.

02-89 Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner) – The Board held for a later duplicitous/frivolous determination this citizen's air enforcement action involving a Franklin County facility.

02-90 Tri County FS, Inc. v. IEPA – The Board found and certified that specified facilities of Tri County, Inc. located in Jersey County are "pollution control facilities" for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-91 Rezmar Corporation 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 Cook County facility.

02-92 Wareco Service, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.

02-93 Garrett Aviation, Inc. v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Sangamon County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

AC 02-28 IEPA v. Larry Beam – The Board accepted an administrative citation against this Henry County respondent.

AC 02-29 IEPA v. Environmental Reclamation Company and Gene Stacey – The Board accepted an administrative citation against these Coles County respondents.

AC 02-30 IEPA v. City of Wenona – The Board accepted an administrative citation against this Marshall County respondent.

AC 02-31 IEPA v. William Plank – The Board accepted an administrative citation against this Douglas County respondent.

R02-13 In the Matter of: UST Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2001, through December 31, 2001.

R02-14 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of July 1, 2001, through December 31, 2001.

Environmental Register – January 2002

R02-15 In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of July 1, 2001, through December 31, 2001.

R02-16 In the Matter of: SDWA Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of July 1, 2001, through December 31, 2001.

R02-17 In the Matter of: UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of July 1, 2001, through December 31, 2001.

R02-18 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill), USEPA Amendments (July 1, 2001 through December 31, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of July 1, 2001, through December 31, 2001.

January 24, 2002 Board Meeting

02-94 Illinois State Toll Highway Authority 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 DuPage County facility.

02-95 Case Corporation v. IEPA – The Board accepted for hearing this permit appeal involving a Rock Island County facility.

02-96 Estate of Edmund F. Radkiewicz v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.

02-97 Midwest Illinois Auto/Truck Plaza, Inc. 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 Bond County facility.

02-98 Tri County FS, Inc. v. IEPA – No action taken.

02-99 Riverview FS, Inc. v. IEPA – The Board found and certified that specified facilities of Riverview FS, Inc. located in Winnebago County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

AC 02-32 IEPA v. Colorado Real Estate & Investment Company – The Board accepted an administrative citation against this Peoria County respondent.

AC 02-33 IEPA v. Lewey Shields, Lisa Shields, and Paul Shields – The Board accepted an administrative citation against these Champaign County respondents.

R02-19 In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213, and 304.122 – The Board accepted for hearing the Illinois Association of Wastewater Agencies January 17, 2002 proposal to amend the Board’s water pollution control regulations. The Board granted petitioner’s motion to waive the signature requirement.

Calendar

2/7/2002 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
2/21/2002 10:00 am	AC 02-16	IEPA v. Brad Kristic (Kristic Property) IEPA Docket No. 423-01-AC	Mercer County Courthouse 3rd Floor Courtroom 100 SE Third Street

Environmental Register – January 2002

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2/21/2002 11:00 am		Illinois Pollution Control Board Meeting	
3/6/2002 10:00 am	R02-11	Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120 and 309.157	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
3/7/2002 11:00 am		Illinois Pollution Control Board Meeting	
3/19/2002 9:00 am	AC 01-42	IEPA v. Alan Smith (Urbana/Alagna, Natalie) IEPA Docket No. 171-01-AC	City Council Chambers Room EOC1 102 North Neil Street Champaign
3/20/02 10:30 am	R02-10	Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
3/21/2002 9:00 am	PCB 00-133	John M. Giertych v. 4T's Management, L.L.C.	Kankakee City Hall Council Room, Second Floor 385 East Oak Street Kankakee
3/21/2002 11:00 am		Illinois Pollution Control Board Meeting	
3/25/2002 10:30 am	R02-19	Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213 and 304.122	James R. Thompson Center Conference Room 9-040 100 West Randolph Street Chicago
3/27/2002 10:00 am	AC 02-17	IEPA v. Charles Goodwin (Hull/Goodwin) IEPA Docket No. 424-01-AC	Pike County Courthouse 100 East Washington Pittsfield
4/4/2002 11:00 am		Illinois Pollution Control Board Meeting	
4/9/2002 10:00 am	AC 01-39	IEPA v. Ivan R. Smith and Lois Smith (Bainbridge Twp./Smith) IEPA Docket No. 175-01-AC	Schuyler County Courthouse Jury Room 1 102 South Congress Rushville
4/9/02 10:30 am	R02-10	Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201	James R. Thompson Center 100 West Randolph Street Conference Room 11-512 Chicago
4/18/2002 11:00 am		Illinois Pollution Control Board Meeting	
4/23/2002 10:30 am	R02-19	Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213 and 304.122	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
5/2/2002 11:00 am		Illinois Pollution Control Board Meeting	
5/16/2002 11:00 am		Illinois Pollution Control Board Meeting	

IEPA Restricted Status List

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

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of December 31, 2001.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bonnie Brae Forest Manor SD STP**	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hinckley STP	Village of Hinckley	DeKalb	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights STP**	City of Lockport	Will	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Streator STP	City of Streator	LaSalle/Livingston	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Wauconda-Larksdale LS	Village of Wauconda	Lake	0
Winnebago-SS overflow to Westfield LS; East 4 blocks of Soper St.	Village of Winnebago	Winnebago	0

Deletions from previous quarterly report: 0

IEPA Critical Review Status List

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

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of December 31, 2001.

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

FACILITY	RESPONSIBLE		REMAINING	PE ADDED
<u>NAME</u>	<u>AUTHORITY</u>	<u>COUNTY</u>	<u>CAPACITY</u>	<u>SINCE</u>
Antioch STP	Village of Antioch	Lake	1,615	275
Athens STP	City of Athens	Menard	72	0
Beardstown SD	City of Beardstown	Cass	1,769	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester STP	City of Chester	Randolph	485	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Dakota	Village of Dakota	Stephenson	90	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	4,180	59
Earlville	City of Earlville	LaSalle	120	0
East Dundee STP	Village of E. Dundee	Kane	577	88
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
Herscher	Village of Herscher	Kankakee	281	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lindenhurst S.D.	Village of Lindenhurst	Lake	885	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	133
Mundelein STP	Village of Mundelein	Lake	0	0
Paris STP	City of Paris	Edgar	1,649	32
Plainfield STP	Village of Plainfield	Will	0	193
Rock Island (Main)	City of Rock Island	Rock Island	4,683	0
Sandwich	Village of Sandwich	DeKalb/Kendall	464	217
Thompsonville STP	Village of Thompsonville	Franklin	0	0

Environmental Register – January 2002

Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	40
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Deletions from previous quarterly report: Bonnie Brae Forest Manor SD STP; Citizens Utilities Co. of Illinois-
Derby Meadows STP

***Contact IEPA – Permit Section

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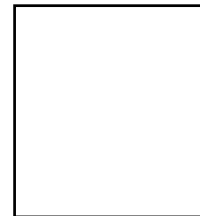
Environmental Register Comment Card

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The Illinois Pollution Control Board is an independent seven-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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