

# Environmental Register

NUMBER 541

JULY 1999



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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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## STAFF UPDATE

The Board welcomes Cameron Kline. Mr. Kline joins the Board as the new Public Information Coordinator. He received his bachelor and master degrees from the University of Illinois at Urbana. Prior to coming to the Board, he spent one year in the Governor's press office through the Dunn Fellowship program, worked as an intern at WDWS-AM in Champaign, and had an assistantship with the National Center of Supercomputing Applications at the U of I. Mr. Kline will work out of the Board's Springfield office.

Amey Hoogasian, formerly the Attorney Assistant to Chairman Manning, has left the Board to assume her new responsibilities at the Department of Justice's Immigration and Naturalization Service. Chairman Manning and the Board wish to thank Ms. Hoogasian for all of her hard work. We know that she will excel in her new position.

## FEDERAL ACTIONS

**United States Environmental Protection Agency Adopts Rules Designating Mercury-Containing Lamps as Universal Waste Regulated Under the Resource Conservation and Recovery Act**

On July 6, 1999, the United States Environmental Protection Agency (USEPA) adopted rules designating mercury-containing lamps as universal waste regulated under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.*). 64 Fed. Reg. 36466 (July 6, 1999). The designation becomes effective January 6, 2000.

□ FEDERAL ACTIONS CONTINUED  
ON PAGE TWO

## RULEMAKING UPDATE

**Board Adopts Amendments for Public Comment in Identical-in-Substance Rulemaking in In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-17**

On July 8, 1999, pursuant to Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 13.3 (1998)), the Board adopted amendments to the Illinois wastewater pretreatment regulations. The amendments establish in state law new standards and guidelines under the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1251 *et seq.* (1998)) for the pesticide chemicals manufacturing industry and the pharmaceutical manufacturing industry.

Section 13.3 of the Act provides for quick adoption of the regulations that are "identical-in-substance" to federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the FWPCA (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(9) (1998)). 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 (1998)) do not apply to this rulemaking. Accordingly, this rulemaking is not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The amendments incorporate certain federal amendments that occurred during the period of July 1, 1998, through December 31, 1998. The federal wastewater pretreatment regulations are found at 40 C.F.R. §§ 400-499.

□ RULEMAKING UPDATE CONTINUED ON PAGE THREE

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## FEDERAL ACTIONS CONTINUED

The USEPA states that, prior to adoption of these rules, handlers of universal wastes were subject to less stringent standards for storing, transporting, and collecting these wastes. The USEPA has concluded that regulating spent mercury-containing lamps under 40 C.F.R. 273 will lead to better management of these lamps and will facilitate compliance with hazardous waste requirements under RCRA. The USEPA maintains that adoption of the rules, which streamlines the RCRA Subtitle C management requirements for mercury-containing lamps, also supports energy conservation efforts.

On June 20, 1996, the Board adopted the Universal Waste Rule and codified it at 35 Ill. Adm. Code 733. See In the Matter of: RCRA Update, USEPA Regulations (1-1-95 through 6-30-95, 7-7-95, 9-29-95, 11-13-95 & 6-6-96) (June 20, 1996), R95-20.

In the Board's opinion and order, the Board noted that the "USEPA stated in adopting the [Universal Waste Rules] that it intend[ed] to expand [the Universal Waste Rule's] applicability to new wastes in the future, such as fluorescent light bulbs." *Id.*, slip op. at 24.

On August 19, 1997, Illinois Governor Jim Edgar signed into law Public Act 90-502. Pub. Act 90-502, eff. August 19, 1997 (amended 415 ILCS 5/22.23a (1998)). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. It further required the Illinois Environmental Protection Agency (IEPA) to propose implementing regulations to the Board within 60 days after the effective date of Public Act 90-502 and for the Board to adopt such implementing regulations within 180 days of receipt of the IEPA's proposal. On April 2, 1998, the Board adopted amendments designating mercury-containing lamps as a category of universal waste and standards for the management of this category of universal waste. See In the Matter of: Amendments to 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management) (April 2, 1998), R98-12.

The Board will examine its existing rules to determine whether any modification is necessary. If so, the Board will adopt any necessary amendments in an identical-in-substance RCRA update rulemaking pursuant to Section 7.2 of the Environmental Protection Act (415 ILCS 5/7.2 (1998)).

**United States Environmental Protection Agency Approves the Illinois State Implementation Plan for Hospital/Medical/Infectious Waste Incinerators.**

On July 7, 1999, the United States Environmental Protection Agency (USEPA) approved the Illinois State Implementation Plan (Illinois SIP) for hospital/medical/infectious waste incinerators (HMIWIs) submitted on May 28, 1999.

On May 6, 1999, the Board adopted the rules regulating HMIWIs (see In the Matter of: Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229 (May 6, 1999), R99-10).

The Illinois SIP adopts and implements the USEPA's emissions guidelines (EGs) applicable to existing HMIWIs. The effect of the USEPA's approval of the Illinois SIP is that the Illinois SIP meets Section 111(d) of the Clean Air Act Amendments of 1990 (42 U.S.C. §§ 7401 *et seq.* (1990)), which requires that states submit a plan for the control of emissions from any source for which the USEPA has promulgated a performance standard.

The USEPA has promulgated new source performance standards (NSPS) and the EGs to reduce emissions from HMIWIs. 40 C.F.R. §§ 60.50c-60.58c, 60.30e-60.39e. The NSPSs apply to HMIWIs for which construction began after June 20, 1996, or for which a modification was begun after March 16, 1998. The EGs apply to existing HMIWIs, defined as ones for which construction began on or before June 20, 1996. Unlike the NSPSs, the EGs do not establish standards for HMIWIs. Rather, the EGs direct the states to adopt plans regulating existing HMIWIs and establish minimum elements required in the states' plans. The rules become effective September 7, 1999.

## **United States Environmental Protection Agency Proposes Procedural Amendments for Review of State Water Quality Standards**

On July 9, 1999, the United States Environmental Protection Agency (USEPA) proposed procedural amendments for the review of state water quality standards in accordance with the Clean Water Act (42 U.S.C. §§ 1251 *et seq.*). 64 Fed. Reg. 37072 (July 9, 1999). The proposed amendments provide that state water quality standards will not be effective as federal law until after the USEPA approves them.

Written comments may be filed with the USEPA on or before August 23, 1999. Comments must be sent to: Docket W-99-05, WQS-Approvals Comments Clerk, Water Docket, MC 4101, USEPA, 401 M Street, SW, Washington, DC 20460.

**United States Environmental Protection Agency Issues Advance Notice of Proposed Rulemaking Presenting Potential Revisions to the Land Disposal Restriction Treatment Standards Applicable to Mercury-Bearing Hazardous Wastes**

On July 27, 1999, the United States Environmental Protection Agency (USEPA) issued advance notice of a proposed rulemaking presenting potential revisions to the land disposal restriction treatment standards applicable to mercury-bearing wastes. 64 Fed. Reg. 30534 (July 27, 1999). The advance notice of proposed rulemaking requests comments on USEPA's waste generation and treatment data for mercury-bearing hazardous waste, as well as on technical and policy issues regarding mercury waste treatment, and potential avenues by which current mercury treatment standards might be revised. The USEPA extended the comment period from July 27, 1999, to October 25, 1999.

In order to comment on this advance notice of proposed rulemaking, send an original and two copies of the comments referencing docket number F-1999-MTSF-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), USEPA, 401 M Street, SW, Washington, DC 20460.

### **United States Environmental Protection Agency Reproposes Second Phase Emission Regulations to Control Emissions from New Nonroad Spark-Ignition Handheld Engines**

On July 28, 1999, the United States Environmental Protection Agency (USEPA) repropose a second phase of emission regulations to control emissions from new nonroad spark-ignition handheld engines at or below 19 kilowatts (25 horsepower). 64 Fed. Reg. 40939 (July 28, 1999). The engines covered by this proposal are used principally in handheld lawn and garden equipment, such as trimmers, leaf blowers, and chainsaws. The USEPA originally proposed standards for these engines in January 1998. However, recent dramatic advancements in small engine emission control technology have led the USEPA to repropose significantly more stringent standards for handheld engines than the original proposal. The USEPA expects that the newly proposed standards will result in an estimated 78 percent reduction of emissions of hydrocarbons plus oxides of nitrogen from those achieved under the current Phase 1 standards applicable to handheld engines. The USEPA states that the proposed standards for handheld engines are scheduled to be phased in beginning with the 2002 model year. The standards would result in important reductions, which contribute to excessively high ozone levels in many areas of the United States.

The proposed rules also affect Phase 2 nonhandheld engines. The USEPA has proposed standards for two classes of nonhandheld engines that would apply to engines below 100 cubic centimeters displacement used in nonhandheld equipment applications. The USEPA is also proposing an option that allows manufacturers to certify engines greater than 19 kilowatts and less than or equal to one liter in displacement to the small engine Phase 2 standards.

### **RULEMAKING UPDATE CONTINUED**

The USEPA amended its wastewater pretreatment regulations four times during that period (see 63 Fed. Reg. 39443 (July 22, 1998); 63 Fed. Reg. 42238 (August 7, 1998); 63 Fed. Reg. 50388 (September 21, 1998); and 63 Fed. Reg. 64417 (November 20, 1998)). The amendments incorporate all of these actions except the August 7, 1998 action, which the Board previously incorporated in its prior wastewater pretreatment update docket, In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998, through June 31, 1998) (March 18, 1999), R99-4. Although not enacted within this docket's stated time period, the Board also incorporated federal actions promulgated on March 4, 1999 and March 16, 1999 (see 64 Fed. Reg. 10391 (March 4, 1999) and 64 Fed. Reg. 13053 (March 16, 1999)). The March 4, 1999 action corrected errors contained in the September 21, 1998 federal action and the March 16, 1999 action corrected errors contained in the September 21, 1998 federal action and the March 16, 1999 action corrects one typographical error in the March 4, 1999 corrective action.

The amendments incorporate changes to the pretreatment standards and new source performance standards for the organic pesticide chemicals manufacturing industry. The new standards increase the daily maximum and monthly average emission levels of the pesticide active ingredient (PAI), pendimethalin, based on actual industry monitoring data of the effluent concentration of PAIs in wastewaters treated by full-scale treatment systems. The amendments also limit the discharge of pollutants into publicly owned treatment works (POTWs) by existing and new pharmaceutical manufacturing facilities. The amendments revise the limitations and standards for the "Fermentation," "Extraction," "Chemical Synthesis," and "Mixing, Compounding, and Formulating" sub-categories and also eliminates the "Research" sub-category for existing and new sources. In addition, the amendments revise the effluent limitation guidelines for the best practicable control technology currently available for the "Rain Mills Point Source" category. Finally, the amendments correct typographical errors and errors in rounding of several numerical limitations, which were adopted in the September 21, 1998 federal action.

The Board adopted a proposal for public comment in this matter on April 15, 1999. See 23 Ill. Reg. 5446 (May 7, 1999). No public comments were filed, so that the final rules adopted by the Board on July 8, 1999, were virtually identical to those proposed.

Please direct any questions regarding this proposal to Karen Kavanagh at 312/814-6062; e-mail address: [kkavanag@pcb084r1.state.il.us](mailto:kkavanag@pcb084r1.state.il.us)

## **Board Adopts Amendments in Identical-in-Substance Rulemaking in In the Matter of SDWA Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-12**

On July 22, 1999, the Board adopted amendments to the Illinois regulations that are “identical-in-substance” to the National Primary Drinking Water regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA). The regulations implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), 300j-4(a)). The amendments include SDWA amendments that the USEPA adopted in the period from July 1, 1998, through December 31, 1998. The USEPA took four actions during this period that necessitated Board action (see 63 Fed. Reg. 43833 (August 14, 1998); 63 Fed. Reg. 44511 (August 19, 1998); 63 Fed. Reg. 69390 (December 16, 1998); and 63 Fed. Reg. 69477 (December 16, 1998)). The Board also identified one USEPA action since December 31, 1998, that further amended the NPDWRs (see 64 Fed. Reg. 34732 (June 29, 1999)) and two other pending USEPA corrective actions that are included in the final rules adopted by the Board on July 22, 1999. The federal SDWA regulations are found at 40 C.F.R. §§ 141 and 142.

The amendments include major revisions to the program for relief from NPDWRs, including additional mandatory requirements for, among other things, small system variances; introduction of entirely new requirements for consumer confidence reports, including expansive public notification requirements about potential health threats; adoption of new maximum contaminant levels to be phased in for disinfection and disinfectant byproducts; and addition of interim enhanced surface water treatment rules to improve control of microbiological pathogens while addressing risk trade-offs with disinfection byproducts.

Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1998)) provides for quick adoption of regulations that are “identical-in-substance” to federal regulations that the USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the SDWA (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), 300j-4(a)). Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (1998)) do not apply to the Board’s adoption of identical-in-substance regulations. Therefore, the amendments were not subject to first and second-notice review by the Joint Committee on Administrative Rules.

On May 6, 1999, the Board adopted the proposed amendments for public comment and publication in the *Illinois Register* (23 Ill. Reg. 6217 (May 28, 1999)).

Four comments were filed with the Board during the 45-day public comment period. With the exception of minor editorial corrections, no substantial changes were made to the final text of the amendments.

Questions regarding this rulemaking may be directed to Steven C. Langhoff at 217/782-2615; e-mail address: [slanghoff@pcb084rl.state.il.us](mailto:slanghoff@pcb084rl.state.il.us)

LISTING OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 1999

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (1998)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standards and combine sewer overflow exception determinations made by the Board during the fiscal year 1999 (July 1, 1998, through June 30, 1999).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 1999 (July 1, 1998, through June 30, 1999)

**Docket/Docket Title**

**Final Determination**

**In the Matter of: Petition of R. Lavin & Sons, Inc. for Adjusted Standard, 35 Ill. Adm. Code 302.102, 302.208, and 302, Subpart F, Procedures for Determining Water Quality Criteria (December 17, 1998), AS 90-5**

The Board granted voluntary withdrawal of a petition filed on behalf of a North Chicago, Lake County facility for an adjusted standard from certain of the requirements pertaining to deriving stream water quality criteria and effluent limitations.

**In the Matter of: Petition of the Stiffel Company for an Adjusted Standard from 35 Ill. Adm. Code 218, Subpart F (December 17, 1998), AS 92-1**

The Board granted voluntary withdrawal of a petition filed on behalf of a Chicago, Cook County facility for an adjusted standard from certain of the volatile organic material emissions limitations.

**In the Matter of: Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218 (August 6, 1998), AS 94-18**

The Board granted this petition filed on behalf of a Chicago, Cook County facility for an adjusted standard from certain of the volatile organic material emissions limitations to allow the petitioner to apply cross-line averaging in calculating emissions from its various production lines.

**In the Matter of: Petition of Recycle Technologies, Inc. for Adjusted Standard under 35 Ill. Adm. Code 720.131(c) (September 3, 1998), AS 97-9**

The Board determined with respect to a proposed Wood Dale, DuPage County facility that used antifreeze subjected to the petitioner's process and returned to its original use was not a solid waste subject to regulation under the RCRA Subtitle C hazardous waste rules.

**In the Matter of: Petition of City of Salem for an Adjusted Standard from 35 Ill. Adm. Code 814, Subpart D (July 8, 1998), AS 98-2**

The Board denied this petition filed on behalf of a Marion County facility for an adjusted standard from a provision of the non-hazardous waste landfill regulations that would have required the petitioner's landfill to cease operations on September 18, 1998. The Board denied reconsideration of the denial on September 17, 1998

**In the Matter of: Petition of Sundstrand Corporation for an Adjusted Standard from 35 Ill. Adm. Code 215.204(j)(3) (August 6, 1998), AS 98-3**

The Board granted voluntary withdrawal of a petition filed on behalf of a Rockford, Winnebago County facility for an adjusted standard from certain of the volatile organic material emissions limitations applicable to the petitioner's miscellaneous metal parts extreme performance coating operations.

**In the Matter of: Petition of Sundstrand Corp. for an Adjusted Standard from 35 Ill. Adm. Code 215.204(j)(3) (November 19, 1998), AS 98-4**

The Board granted voluntary withdrawal of a petition filed on behalf of a Rockford, Winnebago County facility for an adjusted standard from certain of the volatile organic material emissions limitations applicable to the petitioner's miscellaneous metal parts extreme performance coating operations.

**In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application) (May 7, 1998), AS 98-5**

The Board dismissed this petition filed on behalf of a Cook County entity for an adjusted standard that would allow landfill operators throughout the state to use the petitioner's processed wastewater sludge as an alternative to soil for final cover, finding that it was unnecessary as it sought relief duplicative of the adjusted standard granted in **In the Matter Of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application) (August 24, 1995), AS 95-4**. The Board denied modification of its May 7, 1998, denial on August 6, 1998.

**In the Matter of: Petition of Wood River Refining Co., a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Co., for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 (March 18, 1999), AS 98-6**

The Board granted a petition filed on behalf of a Roxana, Madison County facility for an adjusted standard from certain of the RCRA Subtitle C hazardous waste interim status treatment, storage, and disposal facility standards to allow the petitioner to continue to operate a former hazardous waste surface impoundment that no longer receives hazardous waste.

**In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) (October 15, 1998), AS 99-2**

The Board dismissed this petition filed on behalf of a Northlake, Cook County facility for an adjusted standard from certain of the volatile organic material emissions limitations because the petitioner had failed to timely publish the notice required by Section 28.1(d)(1) of the Act.

**In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c) (April 15, 1999), AS 99-3**

The Board determined, based on a petition filed on behalf of a Sauget, St. Clair County facility, that certain zinc oxide produced by high temperature recovery from steelmaking electric arc furnace dusts is not a solid waste subject to regulation under the RCRA Subtitle C hazardous waste rules.

**In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) (May 20, 1999), AS 99-4**

The Board granted this Northlake, Cook County facility an adjusted standard from certain volatile organic material emissions limitations applicable to seventeen resin storage tanks.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 1999 (July 1, 1998, through June 30, 1999)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 1999.

Address written comments or request copies, noting the appropriate docket number, to:

Name: Dorothy Gunn, Clerk  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
Telephone: 312-814-3620

Address questions concerning this notice, noting the appropriate docket number, to:

Name: Michael J. McCambridge, Attorney  
Address: Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
Telephone: 312-814-6924  
Internet: mmccambr@pcb084r1.state.il.us

# BOARD ACTIONS

**JULY 8, 1999**  
**CHICAGO, ILLINOIS**

## RULEMAKING

**R99-17** In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board's wastewater pretreatment regulation. **Vote 5-0**

## ADJUSTED STANDARDS

**AS 88-2** In the Matter of: Petition of the Stepan Company for an Adjusted Standard from 35 Ill. Adm. Code 215.Subpart I - The Board granted petitioner's motion for voluntary dismissal of this request for an adjusted standard involving a Will County facility. **Vote 5-0**

**AS 99-5** In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board granted petitioner's motion for reconsideration of the Board's order of May 6, 1999. **Vote 5-0**

## ADMINISTRATIVE CITATIONS

**AC 99-43** IEPA v. Waste Management of Illinois, Inc. - The Board found that this Peoria County respondent violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-44** IEPA v. County of Knox and Thomas D. Wagher - The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-45** IEPA v. William Clingenpeel - The Board found that this Iroquois County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-46** County of LaSalle v. Knights of the Altar, International - The Board granted complainant's motion to withdraw this administrative citation. **Vote 5-0**

## ADJUDICATORY CASES

### DECISIONS

**PCB 97-55** People of the State of Illinois v. Precision Chrome, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$21,000, and to cease and desist from further violations. **Vote 5-0**

**PCB 99-161** Village of Dorchester, Illinois v. IEPA - The Board granted this Macoupin County facility a one year variance, subject to conditions, from 35 Ill. Adm. Code 602.105(a) "Standards for Issuance" and 602.106(a) "Restricted Status" as they relate to the maximum contaminant level for total trihalomethanes in drinking water as set forth in 35 Ill. Adm. Code 611.310(c). **Vote 5-0**

## MOTIONS AND OTHER MATTERS

**PCB 93-191** People of the State of Illinois v. Lloyd Weimann d/b/a Weimann Ice and Fuel and Lloyd Weimann d/b/a Weimann Ice and Fuel v. Texaco Refining and Marketing, Inc., and Eugene & Cheryl Halbrooks - The Board granted respondent Texaco Refining and Marketing, Inc.'s motion to appear *pro hac vice*. **Vote 5-0**

**PCB 95-64** People of the State of Illinois v. Donald Pointer, Mitchell Holder, and Whiteway Sanitation, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action against a Jersey County facility, the Board ordered publication of the required newspaper notice. **Vote 5-0**

**PCB 98-81** Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation Systems, Inc. and D.P. Cartage, Inc. - The Board denied respondents' motion for reconsideration and modification of the Board's order of May 6, 1999. **Vote 4-0; McFawn abstained**

**PCB 98-102** Panhandle Eastern Pipe Line Company v. IEPA - The Board denied petitioner's motion to stay the Board's final order pending completion of judicial review of that order. **Vote 5-0**

**PCB 98-122** People of the State of Illinois v. Stanley Latek - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote 5-0**

**PCB 99-64** Jean S. Dixon v. Joseph Behr & Sons, Inc. - The Board granted respondent's motion to dismiss. **Vote 5-0**

**PCB 99-74** General Mills Operations, Inc. v. IEPA - The Board granted respondent's motion to its file administrative record of this trade secret determination instantanr. **Vote 5-0**

**PCB 99-146** Remote Services, Inc. (Dairy Mart Store #584) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Rock Island County facility. **Vote 5-0**

**PCB 99-148** Remote Services, Inc. (Dairy Mart Store #545) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Tazewell County facility. **Vote 5-0**

**PCB 99-155** Schiller Park Marathon, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility. **Vote 5-0**

**PCB 99-159** Mater Dei High School v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Clinton County facility. **Vote 5-0**

**PCB 99-186, PCB 96-141, PCB 99-44** Butterick Company, Inc. v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility, and consolidated it with PCB 96-141 and PCB 99-44 which involve the same facility. **Vote 5-0**

**PCB 99-188** L. Keller Oil Properties v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Macon County facility. **Vote 5-0**

**PCB 99-190** Humane Manufacturing, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a DeKalb County facility. **Vote 5-0**

**PCB 00-002** Benet Academy v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility. **Vote 5-0**



**JULY 22, 1999**

**CHICAGO, ILLINOIS**

**RULEMAKING**

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**R99-12** In the Matter of: SDWA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board's public water supply regulations. **Vote 5-0**

**ADMINISTRATIVE CITATIONS**

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**AC 99-47** IEPA v. City of Sesser - The Board found that this Franklin County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-48** IEPA v. Rodney Wynn - The Board found that this Marion County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-49** IEPA v. American Disposal Services of Illinois, Inc. - The Board found that this Livingston County respondent violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 5-0**

**AC 99-50** IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - The Board found that these Livingston County respondents violated Sections 21(o)(1) and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$1,000. **Vote 5-0**

**AC 99-51** County of Will v. Antonio Gonzales - The Board found that this Will County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$1,000. **Vote 5-0**

**ADJUDICATORY CASES**

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**DECISIONS**

**PCB 97-230** People of the State of Illinois v. Standard T. Chemical Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this Emergency Preparedness and Community Right to Know Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$6,700, and to cease and desist from further violations. **Vote 5-0**

**PCB 98-171** People of the State of Illinois v. Victor Cory - The Board found that this respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$22,000. The Board denied complainant's request for fees and costs, and ordered respondent to submit a closure plan to the Department of Agriculture and the Illinois Environmental Protection Agency by September 20, 1999. **Vote 5-0**

**PROVISIONAL VARIANCE**

**PCB 00-08** Takasago International Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency (Agency) recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from the total dissolved solids limits set in 35 Ill. Adm. Code 35 Ill. Adm. Code 302.208 and 304.105. The Board denied the Agency's recommendation to grant a variance from the Board's order in AS 89-3 on the grounds that it was unnecessary. **Vote 5-0**

## MOTIONS AND OTHER MATTERS

**PCB 96-155, PCB 96-156** West Suburban Recycling and Energy Center, L.P. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of these consolidated permit appeals involving a Cook County facility. **Vote 5-0**

**PCB 98-54** Edward Malina v. Jean Day - In response to the settlement agreement filed on July 14, 1999, the Board ordered that this citizen's noise enforcement action involving a DuPage County facility to proceed to hearing. **Vote 5-0**

**PCB 98-84** Scott & Shelly Behrmann v. Okawville Farmers Elevator-St. Libory - The Board granted parties' motion for voluntary dismissal of this citizen's noise enforcement action involving a St. Clair County facility. **Vote 5-0**

**PCB 98-169** Union Oil Company of California d/b/a as Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert Atkins, and Mobil Oil Company - The Board denied respondent Mobil Oil Company's motion for summary judgment and request for sanctions. **Vote 4-1; Flemal dissented**

**PCB 99-112** People of the State of Illinois v. Bi-Petro, and Timberlake Transportation and Transfer, Inc. - The Board granted respondent's motion for extension of time to file an answer. **Vote 5-0**

**PCB 99-123** Commonwealth Edison Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility. **Vote 5-0**

**PCB 99-124** Commonwealth Edison Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility. **Vote 5-0**

**PCB 99-125** Terrence G. Graf, Marcella Graf, Joe Graf, Louise Grothpietz, Margarie Olszeoski, Leonard Olszeoski, Mike Czebokowski, Lois Czebokowski, Mildred Owen, Katherine Washburn, Robert Washburn, George Aruleaf, Anna Kozarzewski, and Lucy Catlow v. Valiquet, Inc., Emerald Landscaping, and CPK Landscaping - The Board granted complainant's motion for voluntary dismissal of Anna Kozarzewski and Mildred Owen as complainants in this matter. The remaining complainants were ordered to perfect service upon respondent Valiquet, Inc. by August 21, 1999. **Vote 5-0**

**PCB 99-145** Robert Smith, Jodi Leeper, Tim Leeper, Cassandra Vaughn, Cheryl Vaughn, Hobart Jones, Karen Jones, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool & Die Manufacturing, Inc. - The Board dismissed Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Hobart Jones, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara as complainants for failure to file a signed amended complaint or attorney's appearance with the Clerk of the Board by June 25, 1999 as ordered. **Vote 5-0**

**PCB 99-151** Land-O-Sun Dairies, L.L.C. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a St. Clair County facility. **Vote 5-0**

**PCB 99-152** People of the State of Illinois v. Eagle-Picher-Boge, L.L.C. - The Board denied respondent's motion to dismiss this air enforcement action involving an Edgar County facility. **Vote 5-0**

**PCB 99-153** Solutia, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this St. Clair County facility. **Vote 5-0**

**PCB 99-154** Remote Services, Inc. (Dairy Mart Store #562) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Champaign County facility. **Vote 5-0**

**PCB 99-162** Kelly-Mac Partners v. Robertson-CECO Corporation - The Board denied respondent's motion to dismiss and complainant's motion to strike. The Board granted respondent's motion to appear *pro hac vice*. **Vote 4-1; Flemal dissented**

**PCB 99-164** Ayers Oil Company v. IEPA - The Board on its own motion dismissed the matter because no formal agreement to this request was filed by the Illinois Environmental Protection Agency, and petitioner failed to file an appeal within the 35-day period following the final decision. **Vote 5-0**

**PCB 99-171** Butterick Company, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Lake County facility. **Vote 5-0**

**PCB 99-172** Remote Services, Inc. (Dairy Mart Store #571) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this McLean County facility. **Vote 5-0**

**PCB 99-187** Gina Pattermann, and Lisa and Deen Collins v. Boughton Trucking and Materials - The Board granted respondent's motion for extension of time to file a motion to dismiss. The complainants were ordered to file an amended complaint with the Clerk of the Board by August 13, 1999. **Vote 5-0**

**PCB 00-3** ISC Newco, 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 a Cook County facility. **Vote 5-0**

**PCB 00-5** Naperville Radiator Services v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility. **Vote 5-0**

**PCB 00-6** City of Princeton (Princeton Municipal Landfill) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Bureau County facility. **Vote 5-0**

## NEW CASES

JULY 8, 1999

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**99-186 Butterick Company, Inc. v. IEPA** - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility, and consolidated it with PCB 96-141 and PCB 99-44 which involve the same facility.

**99-187 Gina Pattermann, and Lisa and Deen Collins v. Boughton Trucking and Materials** - The Board held for a later duplicitous/frivolous determination this citizen's air and noise enforcement action involving a DuPage County facility.

**99-188 L. Keller Oil Properties v. IEPA** - The Board accepted for hearing this underground storage tank appeal involving a Macon County facility.

**99-189 People of the State of Illinois v. Aabott Asbestos, Inc.** - The Board accepted for hearing this air enforcement action against a Randolph County facility.

**99-190 Humane Manufacturing, L.L.C. v. IEPA** - The Board accepted for hearing this permit appeal involving a DeKalb County facility.

**99-191 People of the State of Illinois v. Panhandle Eastern Pipe Line Company** - The Board accepted for hearing this air enforcement action against a Sangamon County facility.

**99-192 People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, Inc.** - The Board accepted for hearing this air enforcement action against a Cook County facility.

**99-193 People of the State of Illinois v. The Purdy Company, and Indiana Harbor Belt Railroad** - The Board accepted for hearing this land enforcement action against a Cook County facility.

**99-194 People of the State of Illinois v. Alabama Metal Industries Corporation** - The Board accepted for hearing this air enforcement action against a Cook County facility.

**00-001 People of the State of Illinois v. Paul Bergmann d/b/a Paul Bergmann Dairy Farm** - The Board accepted for hearing this air enforcement action against a Clinton County facility.

**00-002 Benet Academy v. IEPA** - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility.

**R00-001 In the Matter of: Exemptions from the Definition of VOM Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-002 In the Matter of SDWA Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-003 In the Matter of: UIC Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-004 In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-005 In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-006 In the Matter of: UST Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

**R00-007 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 1999 through June 30, 1999)** - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.

# NEW CASES

JULY 22, 1999

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**00-003 ISC Newco, 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 a Cook County facility.

**00-004 People of the State of Illinois v. American Wood Recycling, Inc., and Steven Berglund, individually, and as chief executive officer of American Wood Recycling, Inc.** - The Board accepted for hearing this land enforcement action against a Cook County facility.

**00-005 Naperville Radiator Services v. IEPA** - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility.

**00-006 City of Princeton (Princeton Municipal Landfill) v. IEPA** - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Bureau County facility.

**00-008 Takasago International Corporation v. IEPA** - Upon receipt of an Illinois Environmental Protection Agency (Agency) recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from the total dissolved solids limits set in 35 Ill. Adm. Code 35 Ill. Adm. Code 302.208 and 304.105. The Board denied the Agency's recommendation to grant a variance from the Board's order in AS 89-3 on the grounds that it was unnecessary.

**AC 00-001 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

# CALENDAR OF MEETINGS AND HEARINGS

## August

**19** □ □ 11:30 am  
Pollution Control Board Meeting  
Springfield, IL

**23** □ □ 10:00 am - R99-18  
Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 (Record in R98-29 Incorporated)

James R. Thompson Center  
100 W. Randolph Street  
Room 9-034  
Chicago, IL

**24** □ □ 10:00 am - R99-18  
Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 (Record in R98-29 Incorporated)

James R. Thompson Center  
100 W. Randolph Street  
Room 9-034  
Chicago, IL

## September

**9** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

**23** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

## October

**7** □ □ 10:30 am  
Pollution Control Board Meeting  
James R. Thompson Center  
100 W. Randolph Street  
Suite 2-025  
Chicago, IL

**21** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

## November

**4** □ □ 11:30 am  
Pollution Control Board Meeting  
Springfield, IL

**8** □ □ 9:30 am - PCB 96-143  
People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer and Caryle Michel

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**9** □ □ 9:30 am - PCB 96-143  
People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer and Caryle Michel

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**10** □ □ 9:30 am - PCB 96-143  
People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer and Caryle Michel

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**18** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

## December

**2** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

**8** □ □ 9:30 am - PCB 93-191  
People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice & Fuel; Lloyd Wiemann, d/b/a Wiemann Ice & Fuel, Cross-Complainants v. Texaco Refining & Marketing, Inc., and Eugene & Cheryl Halbrooks, Cross-respondents

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**9** □ □ 9:30 am - PCB 93-191  
People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice & Fuel; Lloyd Wiemann, d/b/a Wiemann Ice & Fuel, Cross-Complainants v. Texaco Refining & Marketing, Inc., and Eugene & Cheryl Halbrooks, Cross-respondents

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**16** □ □ 10:30 am  
Pollution Control Board Meeting  
Chicago, IL

All Chicago Board Meetings will be held at the James R. Thompson Center, 100 W. Randolph Street, Suite 9-040, unless otherwise noted. All Springfield Board Meetings will be held at 600 S. Second Street, Hearing Room 403, unless otherwise noted.

THE ILLINOIS POLLUTION CONTROL BOARD (IPCB) IS AN INDEPENDENT SEVEN-MEMBER BOARD WHICH ADOPTS THE ENVIRONMENTAL CONTROL STANDARDS FOR THE STATE OF ILLINOIS AND RULES ON ENFORCEMENT ACTIONS AND OTHER ENVIRONMENTAL DISPUTES.

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman  
Springfield

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
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Chicago

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Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620  
(312) 814-6032 TDD

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Illinois Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
(217) 524-8500

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<http://www.ipcb.state.il.us/>