
Environmental Register

February 2004 - Number 596

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

J. Philip Novak, Chairman

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Letter from the Chairman

While many of you know the Pollution Control Board's role in adjudicating contested cases, the Board also plays a very significant part in administrative rulemaking. Under the Environmental Protection Act, the Board establishes environmental regulations that help restore, protect, and improve the quality of our state's environment. This is a very important responsibility, and the Board expects a full schedule of rulemaking during calendar year 2004.

The Board's semi-annual regulatory agenda recently appeared in the Illinois Register (28 Ill. Reg. 1459). It may also be viewed on and downloaded from the Board's Web site at <http://www.ipcb.state.il.us/Archive/dscgi/dx.py/View/Collection-487>. Although the summaries below form only part of the Board's expected activity, they help indicate the wide range of our rulemaking.



Since the Board adopted Tiered Approach to Corrective Action Objectives (TACO) rules in 1997, implementation has demonstrated the need for updates and clarifications. Under docket R04-22/23, the Board has scheduled two hearings on a proposal to amend these provisions: in Chicago on March 15, and in Bloomington on May 25. The TACO standards affect people and entities throughout the state, and this proposal has already generated strong interest.

Also, the Board anticipates that the Illinois Environmental Protection Agency, by the summer of this year, will propose rules governing the land application of sewage sludge. The Board expects these rules to address matters including pollutant limits, pathogen reduction requirements, and vector control measures applicable to this process. Once the Agency files this proposal, the Board will conduct hearings required by the Environmental Protection Act.

Finally, the Board is now actively moving forward with a proposal amending its procedural rules to allow for electronic filing through the Board's "Clerk's Office On-Line" (COOL). This change would almost certainly reduce the use of paper and help parties reduce the expense and effort of filing in Board proceedings. The Board expects to file this proposal before the end of spring.

While the Board will certainly continue to decide contested cases, these and other rulemakings will be a large and significant part of our workload. We invite you to participate in these proceedings and assist us in making sound environmental policy for our state.

Sincerely,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive style with a large initial "J".

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Proposes Amendments to the Standards of Performance for New Stationary Sources and Emission Guidelines for Commercial or Industrial Solid Waste Incineration Units Under the Clean Air Act

On February 17, 2004 (69 Fed. Reg. 7390), the United States Environmental Protection Agency (USEPA) proposed amendments to the standards of performance for new stationary sources and emission guidelines for existing sources: commercial or industrial solid waste incineration units.

The USEPA specifically solicits public comment on definitions of “solid waste,” “commercial and industrial waste,” and “commercial and industrial solid waste incineration unit,” for purposes of new source performance standards and emission guidelines for commercial and industrial solid waste incineration (CISWI) units under section 129 of the Clean Air Act.

The rulemaking is based on amendments adopted by USEPA on December 1, 2000 (65 Fed. Reg. 75337), for CISWI units. To end a challenge in federal court, after promulgation of the final CISWI rule, USEPA accepted a voluntary remand, without vacature. Because the final CISWI rule was not vacated, its requirements remain in effect during the remand. Also, subsequent to promulgation of the final CISWI rule, USEPA granted a petition for reconsideration related to the definitions of “solid waste” and “commercial and industrial waste.” This notice provides for additional proceedings related to these definitions, consistent with USEPA's grant of the earlier petition for reconsideration.

Comments must be received on or before March 18, 2004 and should be sent to: Air and Radiation Docket and Information Center (6102T), Attention, Docket ID No. OAR-2003-0119, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

For further information contact Fred Porter at (919) 541-5251, Emission Standards Division (C439-01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2002)).

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United States Department of Justice Requests Public Comment on Amended Consent Decree in Federal Court Action Under the Comprehensive Environmental Response, Compensation and Liability Act Concerning Johns Manville Waukegan Disposal Site

On February 20, 2004 (69 Fed. Reg. 7982), the United States Department of Justice published notice that on February 11, 2004, a proposed First Amended Consent Decree (Amended Decree) in United States and People of the State of Illinois, ex rel. Madigan v. Manville Sales Corporation, Civil Action No. 88C 630, was lodged with the United States District Court for the Northern District of Illinois.

In this action, the United States asserted claims under 42 U.S.C. 9606 and 9607 to require Manville Sales Corporation, now known as Johns Manville, to perform certain response actions and to reimburse response costs incurred by the United States. These response costs and actions relate to releases and threatened releases of hazardous substances at the Johns Manville Waukegan Disposal Area in Waukegan, Illinois (the "Site"). The State of Illinois intervened in the action, which was resolved in March of 1988, through entry of a Consent Decree. Johns Manville agreed to perform a remedial action that the United States Environmental Protection Agency (USEPA) selected in a Record of Decision dated June 30, 1987. During construction of the remedy required under the 1988 Decree, USEPA issued two Explanations of Significant Differences approving changes to certain aspects of the remedy. The Amended Decree provides for implementation of these changes.

Requirements modified or added by the Amended Decree include: (1) requirements for cleanup of additional on-site areas where asbestos was discovered after entry of the 1988 Consent Decree; (2) revised design specifications for cover materials required in certain areas of the site; (3) provisions requiring excavation or capping of contaminated sediments in the Industrial Canal and closure of other on-site landfill areas and wastewater treatment system units used in Johns Manville's operations at the Site until 1998; (4) provisions restricting land use to prevent interference with the integrity or protectiveness of the remedy; and (5) provisions requiring that any subsequent conveyances of property at the Site be subject to environmental easements and restrictive covenants. The Amended Decree also updates various provisions of the Consent Decree to reflect more closely language of USEPA's RD/RA Model Consent Decree.

The Department of Justice will receive public comment on the Amended Decree until March 21, 2004. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to United States v. Manville Sales Corporation, D.J. Ref. 90-11-1-7B.

The Amended Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, Illinois 60604, and at USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. During the public comment period, the Amended Decree, may also be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>.

Rule Update

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

On February 19, 2004, the Board adopted a second notice opinion and order in Proposed Amendments to: Public Participation Rules In 35 Ill. Adm. Code 309 NPDES Permits And Permitting Procedures (R03-19). The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2002)), to the Joint Committee on Administrative Rules (JCAR) for its review and approval. The proposed amendments will be considered at the March 23, 2004 JCAR meeting. The Board made two substantive changes to the proposal it adopted for first notice on September 4, 2003 (published in the *Illinois Register* at 27 Ill. Reg. 14765 (September 19, 2003)).

The second notice proposal incorporates suggestions from testimony and public comments generated during the first notice comment period and at the third public hearings held in this rulemaking on November 19, 2003. Testifiers

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and commenters included: the proponents (Environmental Law and Policy Center of the Midwest, the Illinois Chapter of the Sierra Club, and the Prairie Rivers Network), Illinois Environmental Protection Agency (IEPA), Illinois Environmental Regulatory Group (IERG), Illinois American Water Company (IAWC), Illinois Coal Association (IAC), and the Illinois Association of Wastewater Agencies (IAWA). The issues raised in comments and at the hearing during first notice focused primarily on language in three Sections: 309.113(a)(5), 309.120, and 309.143.

The first substantive change made by the Board was generated by comments on Section 309.120. The participants in this rulemaking identified subsection 309.120(a) (4) as being confusing. The proponents agreed that this subsection could be deleted. In response to these comments, the Board deleted the proposed subsection 309.120(a)(4). Additional comments on this Section from ICA, IERG, and IAWA focused on the concern that reopening a comment period could delay the issuance of a permit, and questioned whether or not the IEPA will reopen the public comment period after an applicant submits additional information. The proponents also requested that the Board add some additional language to clarify the IEPA's authority to reopen a comment period. However, the Board stated in its opinion that the proposed language in the rules already states the criteria the IEPA will use in determining whether or not to reopen the comment period, and that if the submission of additional information from an applicant results in a permit which is not the logical outgrowth of the draft permit, IEPA will reopen the comment period pursuant to Section 309.120(a)(1)-(3).

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

In Section 309.113(a)(5) IEPA asked that the Board strike the provision requiring a summary of changes for reissued permits. IAWA and IERG also asked that this requirement be dropped, stating that it might be too burdensome for the IEPA to comply with and still issue permits in a timely manner. The Proponents of the rulemaking commented that the language asks only for a summary of changes, not an itemized listing, and that in cases of numerous changes the IEPA could simply note that much of the permit has changed and advise the public to review the old and new permit. The Board did not make any changes to the language in Section 309.113(a)(5), finding that the proposed language clearly calls for a summary of the permit changes, and is not intended to require a detailed listing of all modifications.

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

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

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

Board Actions

February 5, 2004

Via Teleconference

Chicago and Springfield, Illinois

Adjusted Standards

AS 04-1 In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301 – The Board accepted for hearing this Franklin County facility’s petition for an adjusted standard from the volatile organic material limitations. The Board granted petitioner’s motions for expedited review and for permission for attorney Dale A. Guariglia to appear *pro hac vice*. 4-0
Air

Administrative Citations

AC 04-19 IEPA v. Christopher Coleman – The Board granted complainant’s motion to reconsider, vacated the Board’s December 18, 2003 order and dismissed this administrative citation, and closed the docket. 4-0

AC 04-26 IEPA v. Charles Flick – The Board found that this Union County respondent violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500. 4-0

AC 04-28 IEPA v. American Disposal Services of Illinois, Inc. and David Bryant – The Board found that these Livingston County respondents violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (2002)), and ordered respondents to pay a civil penalty of \$500. 4-0

AC 04-29 IEPA v. Charles Parker – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Logan County facility. 4-0

AC 04-30 IEPA v. Larry Lord – The Board found that this Marshall County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000. 4-0

AC 04-32 IEPA v. Rosemary Pehm – The Board accepted for hearing this petition for review of an administrative citation against this Marshall County respondent. 4-0

AC 04-34 IEPA v. Troy Williamson and Swords Vaneer & Lumber Company – The Board accepted for hearing two petitions for review of an administrative citation against these Henry County respondents. 4-0

AC 04-39 County of Jackson v. Edward Tow – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent. 4-0

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Decisions

PCB 02-162	<u>People of the State of Illinois v. Fox Valley Dry Wall, Inc.</u> – The Board directed the parties to file with the Clerk information clarifying the authority on which the Board may rely in ordering payment of fees and costs to the specified fund in the stipulation by March 8, 2004.	4-0 L-E
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Motions and Other Matters

PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board granted in part respondent’s motions to supplement and for reconsideration, modifying the Board’s July 24, 2003 final opinion and order.	3-1 Johnson dissented A-E
PCB 99-188	<u>L. Keller Oil Properties, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility.	4-0 UST Appeal
PCB 01-46 PCB 01-51 Cons.	<u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> – The Board granted respondent’s motion to dismiss petitioner’s amended petition. The permit appeal shall proceed to hearing on the original petition for appeal.	4-0 P-A, Air
PCB 02-49	<u>Fox River Water Reclamation District (South Plant) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Kane County facility.	4-0 P-A, NPDES
PCB 03-88 PCB 04-109	<u>R.W. Sheridan Oil Co., Inc. v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 03-88 and PCB 04-109 underground storage tank appeals involving a McLean County facility.	4-0 UST Appeal
PCB 04-33 PCB 04-34 PCB 04-35	<u>Byron Sandberg v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; County of Kankakee, Illinois and Edward D. Smith, Kankakee County States Attorney v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – The Board denied petitioner County of Kankakee’s motion to supplement the record in these consolidated pollution control facility siting appeals involving a proposed facility in Kankakee County.	4-0 P-C-F-S-R 3d Party
PCB 04-73	<u>A&R, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	4-0 UST Appeal

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PCB 04-74	<u>Clearing Disposal 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.	4-0 UST Appeal
PCB 04-76	<u>Carrollton CUSD #1 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 Greene County facility.	4-0 UST Appeal
PCB 04-77	<u>Action Amusement 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 Washington County facility.	4-0 UST Appeal
PCB 04-110	<u>Board of Trustees of Eastern Illinois University v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	4-0 P-A, Air
PCB 04-113	<u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	4-0 P-A, Air
PCB 04-128	<u>Boye Needle Facility 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.	4-0 UST Appeal 90-Day Ext.
PCB 04-129	<u>Brock Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.	4-0 UST Appeal 90-Day Ext.
PCB 04-130	<u>Drake Tower Apartments, 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 Cook County facility.	4-0 UST Appeal 90-Day Ext.
PCB 04-131	<u>Circle C, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jersey County facility.	4-0 UST Appeal
PCB 04-132	<u>Granite City Fire Department v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0 UST Appeal 90-Day Ext.

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PCB 04-133	<u>Keller Oil Company/Sullivan Super K v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.	4-0 UST Appeal
PCB 04-134	<u>People of the State of Illinois v. Interstate Brands Corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 04-135	<u>People of the State of Illinois v. GF Office Furniture, Ltd. L.P., Office Suites, Inc., Inc., GF Office Furniture, Ltd. L.P., and GF Furniture Holding, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 04-136	<u>People of the State of Illinois v. Cromwell-Phoenix, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 04-137	<u>People of the State of Illinois v. Robinson Carbon, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Crawford County.	4-0 A-E
PCB 04-138	<u>People of the State of Illinois v. Pinnacle Corporation d/b/a Town & Country Homes</u> – The Board accepted for hearing this air enforcement action involving a site located in Lake County.	4-0 W-E

February 19, 2004 Chicago, Illinois

Rulemakings

R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code 309 NPDES Permits and Permitting Procedures</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water pollution control regulations.	5-0 R, Water
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Administrative Citations

AC 04-31	<u>IEPA v. Equipping the Saints Ministry, International, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Macoupin County respondent.	5-0
AC 04-33	<u>IEPA v. Everett C. Gover Trust c/o Rebecca Cloney, Trustee</u> – The Board found that this Montgomery County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0

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Decisions

PCB 98-80	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> – In this land enforcement action concerning a LaSalle County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$6,000 and to cease and desist from further violations.	5-0 L-E
PCB 03-73	<u>People of the State of Illinois v. Riverdale, Inc. and Tri-State Disposal</u> – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$9,000 and to cease and desist from further violations.	5-0 L-E
PCB 04-8	<u>People of the State of Illinois v. Greg Prey, individually and d/b/a King Tire</u> – In this land enforcement action concerning a LaSalle County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000 and to cease and desist from further violations.	5-0 L-E

Motions and Other Matters

PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling & Solid Waste Consultants, Inc., and Michael Lorence individually</u> – The Board granted complainant’s motion for summary judgment as to all counts in the amended complaint. The Board found that all the respondents violated Section 21(a), 21(d)(1), 21(e), and 21(p)(1) of the Environmental Protection Act, (415 ILCS 5/21(a), (d)(1), (e) and (p)(1) (2002)) and ordered the respondents to pay a total civil penalty of \$25,000.	5-0 L-E
PCB 02-211	<u>Stein Steel Mill Services, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, Air
PCB 03-5	<u>People of the State of Illinois v. Star Electronics, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross; The City of Chicago v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross</u> – The Board granted the parties’ motions to	5-0 Citizens
PCB 04-29		L-E

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dismiss these consolidated enforcement actions as to all respondents. The Board closed both dockets.

PCB 04-22	<u>Wei Enterprises v. IEPA</u> – The Board granted petitioner’s motion to reconsider and affirmed its December 4, 2003 decision to dismiss this untimely petition for review.	5-0 UST Appeal
PCB 04-23	<u>Wei Enterprises v. IEPA</u> – The Board granted petitioner’s motion to reconsider and affirmed its December 4, 2003 decision to dismiss this untimely petition for review.	5-0 UST Appeal
PCB 04-26	<u>L. Erickson v. Charleston Classic Homes and Lawrence E. Vansomeren, Jr.</u> – The Board granted complainant’s motion for voluntary dismissal of this citizens noise enforcement action involving a DuPage County facility.	5-0 Citizens N-E
PCB 04-78	<u>Lemont Kar Gas v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal
PCB 04-80	<u>Lincoln Technical Institute v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal
PCB 04-82	<u>Webel Foods, Inc., Pittsfield 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 Pike County facility.	5-0 UST Appeal
PCB 04-117	<u>Saline County Landfill, Inc. v. IEPA and the County of Saline, intervener</u> – The Board granted the County of Saline’s motion to intervene and denied petitioner’s motion requesting to change the location of the hearing to Sangamon County.	5-0 P-A, Land
PCB 04-139	<u>People of the State of Illinois v. Decatur Foundry, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a site located in Macon County.	5-0 RCRA-E
PCB 04-140	<u>People of the State of Illinois v. Whiteway Sanitation, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Jersey County.	5-0 L-E
PCB 04-141	<u>Illinois State Toll Highway Authority (Lincoln South HPCAP/B) 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 Appeal 90-Day Ext.

New Cases

February 5, 2004 Board Meeting

- 04-129** Brock Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.
- 04-130** Drake Tower Apartments, 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 Cook County facility.
- 04-131** Circle C, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Jersey County facility.
- 04-132** Granite City Fire Department v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.
- 04-133** Keller Oil Company/Sullivan Super K v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.
- 04-134** People of the State of Illinois v. Interstate Brands Corporation – The Board accepted for hearing this air enforcement action involving a site located in Cook County.
- 04-135** People of the State of Illinois v. GF Office Furniture, Ltd. L.P., Office Suites, Inc., Inc., GF Office Furniture, Ltd. L.P., and GF Furniture Holding, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.
- 04-136** People of the State of Illinois v. Cromwell-Phoenix, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.
- 04-137** People of the State of Illinois v. Robinson Carbon, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Crawford County.
- 04-138** People of the State of Illinois v. Pinnacle Corporation d/b/a Town & Country Homes – The Board accepted for hearing this air enforcement action involving a site located in Lake County.
- AC 04-035** County of Montgomery v. Lance and Christine Vernish – The Board accepted an administrative citation against these Montgomery County respondents.
- AC 04-036** IEPA v. V-Max Materials, Inc. – The Board accepted an administrative citation against this DuPage County respondent.
- AC 04-037** County of Jackson v. Gary Clover – The Board accepted an administrative citation against this Jackson County respondent.
- AC 04-038** IEPA v. Emmett Engel – The Board accepted an administrative citation against this JoDavies County respondent.
- AC 04-039** County of Jackson v. Edward Tow – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.
- AC 04-040** IEPA v. Knox County Landfill Committee and Greg Ingles – The Board accepted an administrative citation against these Knox County respondents.
- AC 04-041** IEPA v. Cheryl Clayton – The Board accepted an administrative citation against this Adams County respondent.
- AC 04-042** County of Jackson v. Gary Easton – The Board accepted an administrative citation against this Jackson County respondent.
- AC 04-043** County of Jackson v. Frank Stonemark – The Board accepted an administrative citation against this Jackson County respondent.
- AC 04-044** County of Jackson v. Gary Easton – The Board accepted an administrative citation against this Jackson County respondent.

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AC 04-045 IEPA v. Herbert Lust d/b/a Bement Plumbing Supply Company and Francis Ann Lust – The Board accepted an administrative citation against this Platt County respondent.

AC 04-046 IEPA v. Christopher Coleman – The Board accepted an administrative citation against this Union County respondent.

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04-139 People of the State of Illinois v. Decatur Foundry, Inc. – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a site located in Macon County.

04-140 People of the State of Illinois v. Whiteway Sanitation, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Jersey County.

04-141 Illinois State Toll Highway Authority (Lincoln South HPCAP/B) 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.

Calendar

3/03/04 11:00AM	AC 04-18	IEPA v. Luther Coleman (IEPA No. 514-03-AC)	Saline County Detention Center 1 N. Main St. Harrisburg
3/03/04 12:00PM	PCB 04-117	Saline County Landfill, Inc. v. IEPA and County of Saline, Intervenor	Saline County Detention Center 1 N. Main St. Harrisburg
3/04/04 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1244 N, First Floor 1021 N. Grand Avenue East Springfield
3/09/04 9:00AM	PCB 02-164	Barbara and Ronald Stuart v. Franklin Fisher	Bolingbrook Village Hall Boardroom 375 West Briar Cliff Road Bolingbrook
3/10/04 9:00AM	PCB 02-164	Barbara and Ronald Stuart v. Franklin Fisher	Bolingbrook Village Hall Boardroom 375 West Briar Cliff Road Bolingbrook
3/10/04 9:30AM	PCB 03-16	King's 66 Service Station v. IEPA	Madison County Administration Building Room 203 157 N. Main Street Edwardsville
3/15/04 10:00AM	R04-22	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	James R. Thompson Center 100 W. Randolph, Room 2-025 Chicago
3/15/04 10:00AM	R04-23	In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (Consolidated: R04-22 and R04-23)	James R. Thompson Center 100 W. Randolph, Room 2-025 Chicago
3/17/04 9:00AM	PCB 96-10	Vogue Tyre & Rubber Company v. IEPA	Illinois Pollution Control Board Room 11-512 100 West Randolph Street Chicago

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3/18/04 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago
3/18/04 1:30PM	R04-12	Technical Correction to Formulas in 35 Ill. Adm. Code 214 "Sulfur Limitations"	Illinois Pollution Control Board Room 11-512 100 West Randolph Street Chicago, IL
3/18/04 1:30PM	R04-20	In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219	Illinois Pollution Control Board Room 11-512 100 West Randolph Street Chicago, IL
3/23/04 9:00AM	PCB 01-43	People of the State of Illinois ex rel. Gary W. Pack, McHenry County State's Attorney v. Michael Stringini	McHenry County Government Center Grand Jury Room, Room A210 2200 North Seminary Avenue Woodstock
3/25/04 10:00AM	R04-23	In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (Consolidated: R04-22 and R04-23)	McLean County Law and Justice Center 104 S. Front Street, Room 700 Bloomington
4/01/04 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
4/1/04 1:30PM	R04-21	In the Matter of: Revisions to Radium Water Quality Standards: Proposed new 35 Ill. Adm. 302.307 and amendments to 35 Ill. Adm. Code 302.207 and 302.525	James R. Thompson Center, Room 8-033 100 West Randolph Street Chicago
4/05/04 1:00PM	AC 04-13	City of Chicago Department of Environment v. Eddie Greer	Illinois Pollution Control Board Room 11-512 100 West Randolph Street Chicago
4/7/04 10:00AM	AC 04-27	IEPA v. Douglas S Carrico d/b/a Carricos Auto Heap	City Hall Council Room 621 S. Main Street Carrolton
4/14/04	AC 04-25	IEPA v. Colorado Real Estate & Investment Co. (Kingspark Mobile Estates)	Peoria County Board Room 324 Main Street Peoria
4/15/04 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago
4/23/04 12:00PM	AS 04-25	In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 IAC Section 215.301	West Frankfort City Hall 201 East Nolen Street, Council Room West Frankfort

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5/6/04	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1244 N, First Floor 1021 N. Grand Avenue East Springfield
5/6/04 1:30pm	R04-12	Technical Correction to Formulas in 35 Ill. Adm. Code 214 "Sulfur Limitations"	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue east, North Entrance Springfield
5/6/04 1:30pm	R04-20	In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East, North Entrance Springfield
5/6/04 2:30pm	R04-21	In the Matter of: Revisions to Radium Water Quality Standards: Proposed new 35 Ill. Adm. 302.307 and amendments to 35 Ill. Adm. Code 302.207 and 302.525	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East, North Entrance Springfield
5/20/04	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago
5/25/04 9:00AM	R04-22	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	McLean County Law and Justice Center 104 S. Front, Room 700 Bloomington

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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, 2003.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
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
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Poplar Grove South STP	Village of Poplar Grove	Boone	0
Poplar Grove North STP	Village of Poplar Grove	Boone	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	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

Deletions from previous quarterly report: None

Additions from previous quarterly report: Sundale Utilities Corp. – Washington Estates STP

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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, 2003.

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

FACILITY <u>NAME</u>	RESPONSIBLE <u>AUTHORITY</u>	<u>COUNTY</u>	REMAINING <u>CAPACITY</u>	PE ADDED SINCE <u>LAST LIST</u>
Antioch STP	Village of Antioch	Lake	738	632
Beardstown SD	City of Beardstown	Cass	1,731	38
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	3,339	149
East Dundee STP	Village of E. Dundee	Kane	556	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	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	5	819
Lockport	City of Lockport	Will County	395	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	358
New Lenox STP 1**	Village of New Lenox	Will	1,890	150
Paris STP	City of Paris	Edgar	0	91
Plainfield South STP	Village of Plainfield	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	4,570	0
Streator	City of Streator	LaSalle/ Livingston	1,100	0
Thompsonville STP	Village of Thompsonville	Franklin	0	0
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	259
Wauconda WWTP	Village of Wauconda	Lake		18

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Deletions from previous quarterly report: Earlville STP

Additions from previous quarterly report: None

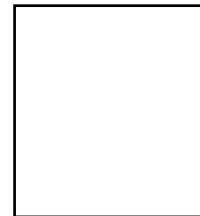
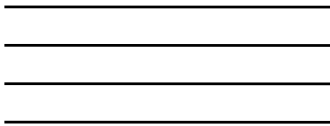
***Contact IEPA – Permit Section

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

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

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