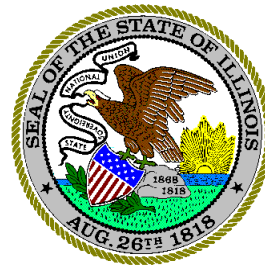




ENVIRONMENTAL REGISTER



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FEDERAL ACTIONS

Comments Sought on Chloro- fluorocarbon Propellants in Self-Pressurized Containers

On March 6, 1997 at 62 Fed. Reg. 10242, the Food and Drug Administration (FDA) gave notice of a proposed rulemaking and implementing determinations that certain uses of chlorofluorocarbons (CFC's) currently designated essential will no longer be deemed essential under the Clean Air Act (CAA). The rule change is being made due to the availability of safe and effective medical product technology that does not use CFC's. Essential-use products are exempt from FDA's ban on the use of CFC propellants in FDA-regulated products and the United States Environmental Protection Agency's (USEPA's) ban on the use of CFC's in pressurized dispensers. FDA is responsible for determining which products containing CFC's or other ozone-depleting substances are an essential use under the CAA. FDA is soliciting comments on this policy to assist in striking an appropriate balance that will best protect the public health, by both ensuring the availability of an adequate number of treatment alternatives and curtailing the release of ozone-depleting substances. (Cont d on p.5)



Citizens attending the Livestock Waste Hearing in Champaign

Livestock Waste Regulations Sent to 2nd Notice, R97-15

On March 20, 1997, the Board adopted for second notice livestock waste regulations which implement provisions of the Livestock Management Facilities Act (LMFA). The proposed rules include standards for livestock waste lagoon and holding pond construction and management, management and agricultural application of waste, certification of livestock managers, and permitting of (Cont d on p.4)

RULEMAKING UPDATE

Underground Storage Tank Rules Amended, R97-10

On March 6, 1997, the Board adopted amendments to the existing underground storage tank (UST) rules as required by P.A. 89-457, signed and effective May 22, 1996. P.A. 89-457 required that the Board complete its rulemaking on or before March 15, 1997. The amendments were proposed on September 16, 1996 by the Illinois Environmental Protection Agency (Agency). Hearings were held on November 18, 1996 in Chicago, Illinois and on December 9, 1996 in Springfield, Illinois. The Joint Committee on Administrative Rules voted a certification of no objection to the amendments on February 26, 1997.

The intent of the amendments is to effectuate changes for three reasons: (1) to make the UST program consistent (Cont d on p.2)

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RULEMAKING UPDATE

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with specified federal requirements; (2) to clarify issues which have arisen since initial implementation; and (3) to address issues unresolved in the predecessor R94-2(B) docket, such as determining risk-based remediation objectives and site classification. Specifically, this amended rule includes general changes throughout Part 732 including adopting references to Part 742 for use in developing remedial objectives. In addition, the Board has added a new definition for "stratigraphic unit" and provisions for testing to be done on a stratigraphic unit, as well as requiring a Licensed Professional Engineer to identify why testing need not be done on a stratigraphic unit. Generally, timeframes for submission of reports and appeal periods have been clarified throughout the Board's rule. Alternative methods for soil testing and site classification have been added along with clarifications on hydraulic conductivity and yield. The rule also includes changes in groundwater monitoring requirements including placement of wells and allowing reclassification at any time prior to the submission of a "Low Priority" completion report. The Board has also clarified the standards for when a "No Further Remediation Letter" may be revoked. The rule includes clarification regarding payments and what constitutes reasonable costs and early action. These rules are given an effective date of July 1, 1997.

Direct questions to Marie Tipsord at 312-814-4925 or 618-498-5934 (internet address: mtisord@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R97-10 ♦

Exemptions From Definition of VOM Proposed, R97-17

On March 6, 1997, the Board proposed for public comment, amendments to the definition of VOM at 35 Ill. Adm. Code 211.7150 in Docket R97-17. The proposed amendment adds 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC 43-10mee), 1,2-dichloro 1,1,2,2,3-pentafluoropropane (HCFC 225ca), and 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HCFC 225cb) to the list of chemical compounds that are exempted from the definition of VOM. This action proposes to exempt these compounds from reasonable control technology (RACT) regulation due to their negligible contribution to tropospheric ozone formation. This action is identical to the revision in the federal amendment that appeared at 61 Fed. Reg. 52848 on October 8, 1996.

A notice of proposed amendment will appear in the Illinois Register. Comments on the proposed amendments may be filed with the Board for a period of 45 days after notice is published in the Illinois Register. A hearing on the matter will be held in Chicago, Illinois at the James R. Thompson Center, 100 W. Randolph St., Room 11-500, on Wednesday, April 2, 1997 at 1:30 p.m.

Direct questions to Amy Muran at 312-814-7011 (internet address: amuran@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312 814-3620. Please refer to docket R97-17. ♦

Board Reserves Docket For Great Lakes Water Quality Initiative, R97-25

The Board has reserved a docket for the filing of an expected Agency Proposal concerning the Great Lakes Water Quality Initiative. Direct questions to Marie Tipsord at 312-814-4925 or 618-498-5934 (internet address: mtipsord@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R97-25. ♦

Proposal For Revision Of The Waste Disposal Rules Filed, R97-27

On March 4, 1997, the Illinois Cast Metal Association (ICMA) filed a proposal to amend 35 Ill. Adm. Code 817.101, which is the scope and applicability section of Part 817. On March 6, 1997, the Board held this proposal for further review. The petition requests an expansion of the relaxed steel and foundry waste landfill rules adopted in R90-26 to cover certain non-ferrous foundries. ICMA seeks to include non-putrescible wastes produced by steel and foundry processes covered by SIC Codes 3365 and 3366, with the exception of those foundries that pour leaded brass.

Direct questions to Richard McGill at 312-814-6983 (internet address: rmcgill@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R97-27. ♦

Marathon Site-Specific Regulation Request Withdrawn, Board Dismisses R95-15

On March 20, 1997, the Board granted Marathon's motion to dismiss its petition for a site-specific rule. The petition was filed on June 9, 1995. The petition sought a site-specific rule for Marathon's Crawford County facility concerning the requirements of 35 Ill. Adm. Code 216.Subpart N. The petition had requested that the Board amend the air pollution control regulations to

change the carbon monoxide emissions limitation applicable to the fluidized catalytic cracking unit at the facility from 200 parts per million (ppm) to 350 ppm. Direct questions to Charles Feinen at 312-814-3473 (internet address: cfeinen@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R95-15. ♦

Air Toxic Proposal Goes To Second Notice, R96-4

On March 20, 1997, the Board proposed for second notice amendments to the toxic air contaminants regulations. First notice of the proposed amendments was adopted by the Board on August 1, 1996 and published in the Illinois Register on August 23, 1996 at 20 Ill. Reg. 11440. The proposed amendments would add several substances either designated as federal hazardous air pollutants (HAPs) pursuant to section 112(b) of the Clean Air Act (CAA) or designated by USEPA as of concern under its "Great Waters" program under section 112(m) of the CAA. The proposal would also require all sources that meet certain requirements to submit an Illinois toxic air contaminants (ITAC) source report for calendar year 1996, and it would correct typographical errors in the existing ITAC list.

The Agency filed its proposal on October 13, 1995 to update the existing ITAC list at 35 Ill. Adm. Code 232. The Board issued an order on November 2, 1995 that accepted the proposal and dismissed older subdockets R90-1(C), relating to toxic air contaminant reporting requirements, and R90-1(D), relating to adding styrene to the list of toxic air contaminants. (See issue 499, Dec., 1995.) The Board consolidated the subject matter of the older subdockets into new docket R96-4.

Direct questions to Charles M. Feinen, at 312-814-3473 (Internet address: cfeinen@pcb084r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyman@pcb084r1.state.il.us). Please refer to docket R96-4. ♦

Amendments To Public Water Supply And Groundwater Regulations Go To Second Notice, R96-18

On March 20, 1997, the Board proposed for second notice amendments to the Subtitle F public water supplies regulations. First notice was adopted by the Board on November 21, 1996 and published in the Illinois Register on December 20, 1996 at 20 Ill. Reg. 15863. The Subtitle F regulations include the Illinois drinking water rules, the federally-derived Safe Drinking Water Act (SDWA) rules, the groundwater quality rules, and the groundwater protection rules. The opening of the docket

R96-18 followed a June 20, 1996 request by the Illinois Environmental Protection Agency (Agency) that the Board consider certain amendments requested in another proceeding as a separate petition for rulemaking. The requested amendments basically fall into three categories: (1) amendments to update and correct several provisions throughout the text, (2) amendments that would allow the Agency to issue construction permits notwithstanding the fact that a supply is listed on "restricted status" for a violation of the radium MCL, and (3) revision of the authority note for the groundwater quality regulations to reflect that it was adopted pursuant to the Environmental Protection Act.

The Agency submitted a list of desired corrections and minor amendments in the identical-in-substance SDWA update docket R95-17, which includes federal amendments that occurred during the period January 1 through June 30, 1995. In its February 1, 1996 proposed opinion and order in R95-17, the Board proposed many of the amendments submitted by the Agency that it felt it could accomplish using the identical-in-substance procedure. The Board did not propose several other suggested amendments that it felt were beyond its identical-in-substance authority. Rather, the Board suggested that the Agency should submit a general rulemaking petition pursuant to Section 27 of the Environmental Protection Act. The Agency responded with a request that the Board consider its request for amendments submitted in R95-17 as a general rulemaking petition. In the June 20, 1996 order, the Board opened and reserved the new docket R96-18, but it ordered the Agency to submit an amended petition by September 1, 1996 that cured the procedural defects in the R95-17 request. The Agency filed that amended proposal on September 4, 1996, so the Board proceeded to accept the proposal. The Board accepted the Agency proposal on September 19, 1996 and conducted public hearings on October 25, 1996, in Geneva, and October 30, 1996, in Springfield. (See issue 509, Oct., 1996.)

Direct questions to Amy Muran at 312-814-7011 (internet address: amuran@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312 814-3620. Please refer to docket R96-18. ♦

Livestock Waste Regulations Sent to 2nd Notice, **R97-15 (Cont d from page 1)**

facilities in Illinois. These rules will now be reviewed by the Joint Committee on Administrative Rules before Board adoption in May of this year.

On December 5, 1996, the Board proposed new livestock waste regulations for First Notice publication in the Illinois Register which were published on December 20, 1996 at 20 Ill. Reg. 15906. The proposed rules would replace emergency rules adopted by the Board on October 29, 1996, under docket number R97-14 and extended by the Board on March 20, 1997. Public hearings were held on these rules in Jacksonville on January 14, 1997, in DeKalb on January 27, 1997, in Galesburg on January 29, 1997, in Mt. Vernon on January 31, 1997, and in Urbana on February 7, 1997.

The Livestock Waste Management Act, P.A. 89-456, was effective May 21, 1996. That legislation established the Livestock Management Facilities Advisory Committee, composed of the Directors of the Illinois Department of Agriculture (IDA), Department of Natural Resources, Department of Public Health, and the Environmental Protection Agency, to make recommendations to the IDA for development of standards for livestock management facilities. The IDA filed a rulemaking proposal on October 15, 1996, requesting that the Board adopt emergency rules governing livestock waste. Upon finding that "a situation exists that constitutes a threat to the public interest, safety or welfare", the Board adopted emergency rules based on the proposal on October 29, 1996, which became effective October 31, 1996. The IDA filed a proposal for permanent rules to replace the emergency rules on November 21, 1996.

The current proposal is substantially similar to the emergency rules. The rules outline the proper design, construction, operation, and management of livestock management and livestock waste handling facilities. The rules further provide for recordkeeping requirements of the Department of Agriculture, education and certification of livestock managers, and provisions dealing with setbacks.

Board Members Ron Flemal, G. Tanner Girard and J. Theodore Meyer dissented.

Direct questions to Cynthia Ervin 217-356-8509 (internet address: cervin@pcb084r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R97-15. ♦

Emergency Livestock Waste Regulations Extended, R97-14

On March 20, 1997, the Board extended the emergency rulemaking adopted on October 29, 1996 to implement provisions of the Livestock Management Facilities Act (LMFAct). The extension of this emergency rulemaking is pursuant to P.A.89-714.

The Illinois Department of Agriculture (IDA) filed a general rulemaking proposal on October 15, 1996 requesting that the Board adopt emergency rules governing livestock waste. The Board adopted emergency rules based on the proposal at a special Board meeting held on October 29, 1996. The emergency rules include standards for livestock waste lagoon and holding pond construction and management, management and agricultural application of waste, certification of livestock managers, and permitting of facilities in

Illinois. The emergency rules became effective on October 31, 1996 when filed with the Secretary of State, and remain in effect for 150 days, until March 30, 1997. The extension will extend the emergency rules for another 150 days after the extension is filed with the Secretary of State.

IDA filed the proposal pursuant to the Livestock Management Facilities Act (P.A. 89-456, effective May 21, 1996). That legislation required IDA to prepare and file a proposal for rules governing waste from livestock management facilities. The regulations are codified in a new Part in Subtitle E of the Illinois environmental regulations, along with the existing agricultural rules. The existing rules derived in significant part from the federal National Pollution Discharge Elimination System (NPDES) regulations under the Clean Water Act (CWA).

Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803 (Internet address: mtipsor@pcb084r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620

Board Opens Docket B for Financial Surety Proposals

On March 20, 1997, the Board severed the docket in R97-15 into dockets A and B. Docket A will contain all general provisions and provisions concerning standards for livestock waste lagoons, waste management plans, certified livestock managers, penalties, setbacks, and the statutory language and general provisions regarding financial responsibility. Docket B will contain the specific procedures and criteria necessary to determine the level of financial surety required pursuant to the Livestock Management Facilities Act (LMFAct). The Board requests that all interested parties submit a proposal to the Board on or before July 1, 1997 which proposes the procedures and criteria necessary to implement the surety requirements of the LMFAct. ♦

(Internet address: vagyeman@pcb084r1.state.il.us).
Please refer to docket R97-14. ♦

SIGNIFICANT FEDERAL ACTIONS

(Cont d from p. 1)

Comments will be accepted by the FDA through May 5, 1997. ♦

Reformulated Gasoline and Anti-Dumping Programs Rule Adjustments: Final Rule

On March 4, 1997, USEPA modified the requirements for obtaining a baseline adjustment due to the production of JP-4 jet fuel in 1990 (62 Fed. Reg. 9871). This rule also allows a baseline adjustment for refiners who are now unable to acquire extremely sweet crude oil (that is, crude oil relatively low in sulfur) that had been available in 1990 and from which the gasoline used to develop a 1990 individual baseline was obtained. Finally, this rule allows a baseline adjustment for refineries which have both extremely low baseline sulfur and olefin levels.

Under the Clean Air Act as amended in 1990, the USEPA promulgated anti-dumping regulations for conventional gasoline, that is, gasoline not certified as reformulated gasoline. These regulations require that conventional gasoline not be more polluting than it was in 1990. The regulations also include provisions for the development of individual refinery baselines and include provisions which allow a refinery to obtain an adjusted baseline under certain, limited circumstances. These amendments are effective April 22, 1997. ♦

USEPA Requests Comments on Study Relating to Land Disposal Restrictions--Phase IV

On March 5, 1997, USEPA provided notice of additional studies on an issue raised in the Land Disposal Restrictions (LDR) Phase III proposed rule (60 FR 11702, March 2, 1995)(62 Fed. Reg. 10004). The issue is whether the addition of iron filings (and iron dust) to lead-contaminated spent foundry sand is a means of diluting the waste impermissibly rather than treating it to conform with the requirements of the LDR rules. The study addresses whether this practice stabilizes (or otherwise treats) lead, the chief hazardous constituent found in the spent sand, so that the lead will not migrate through the environment when the spent sand is land disposed. Stabilization as a technology-based LDR standard (STABL) is described in 40 CFR 268.42 as using the following reagents (or waste reagents) or combinations of reagents: (1) Portland cement; or (2)

lime/pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set/cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic. New studies have been performed to evaluate this hazardous waste management practice, and the studies have undergone external Peer Review. USEPA is noticing these studies, and the results of the Peer Review, and soliciting public comment. USEPA may use the results of the studies to promulgate a revised final approach to this waste management practice in an upcoming LDR rulemaking (Phase IV).

USEPA will accept comments on the study and peer review through April 4, 1997. ♦

Polymeric Diphenylmethane Diisocyanate Still Subject to Reporting

On March 5, 1997 at 62 Fed. Reg. 10006, USEPA denied a petition to remove polymeric diphenylmethane diisocyanate (PMDI) from the diisocyanates category subject to the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). USEPA has reviewed the available toxicological data on this chemical and has determined that PMDI does not meet the section 313(d)(3) deletion criterion. Therefore, USEPA is denying the petitioner's request to remove PMDI from the EPCRA section 313 diisocyanates category. ♦

Additional Analytical Methods for Radionuclides Approved

On March 5, 1997 at 62 Fed. Reg. 10167, USEPA approved the use of 66 additional analytical methods for compliance with current radionuclide drinking water standards and monitoring requirements. The methods are applicable to gross alpha, gross beta, tritium, uranium, radium-226, radium-228, gamma emitters, and radioactive cesium, iodine and strontium. This rule is expected to satisfy public requests for approval of new analytical technologies for measuring contaminants in drinking water. This rule imposes no burden because it does not withdraw approval of any previously approved method. This final rule follows the Proposed Notice of Rulemaking for Radionuclides in Drinking Water published on July 18, 1991. The 1991 rulemaking proposed to approve analytical methods and establish Maximum Contaminant Level Goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) for several radionuclides.

The final rule is limited to the approval of additional analytical methods. In addition, since USEPA received comments suggesting approval of additional methods during the comment period, USEPA is proceeding with direct final rule making on 12 of the suggested methods. USEPA is inviting comments on these 12 methods. The effective date of the amendments are April 4, 1997 and May 5, 1997. Comments on the proposed amendments may be filed with the USEPA through April 4, 1997. These analytical methods will be included in the SDWA identical-in-substance rulemaking update for the period from January 1, 1997 through June 30, 1997. A docket has not yet been reserved for this rulemaking. ♦

PCBs Rule Revision Published On Water Quality Guidance Document for the Great Lakes System

On March 12, 1997 at 62 Fed. Reg. 11723, USEPA published revisions to the polychlorinated biphenyl (PCB) ambient water quality criteria for human health and wildlife for the final Water Quality Guidance for the Great Lakes System that was published in March, 1995 (the 1995 Guidance). The final revisions are limited to the method for calculating a composite baseline bioaccumulation factor (BAF) for PCBs and the method for calculating a composite octanol-water partition coefficient (K_{ow}) for PCBs. After reviewing all public comments, USEPA concluded that the approach it proposed in October 1996 for calculating a composite baseline BAF, using the second alternative proposed for calculating a composite K_{ow} , for PCBs would be preferable to the approach used in the 1995 Guidance document because it would more appropriately relate the concentrations of the PCB congeners in tissue to the concentrations of the PCB congeners in water. Consequently, USEPA is revising the human health cancer criterion for PCBs from 3.9E-6 ug/L to 6.7E-6 ug/L, and the wildlife criterion for PCBs from 7.4E-5 ug/L to 1.2E-4 ug/L. USEPA believes that these revisions more accurately represent the numerical limits necessary to protect human health and wildlife in the Great Lakes System.

The Board has reserved docket R97-25, Great Lakes Water Quality Initiative, in anticipation of receiving a related proposal from the Illinois Environmental Protection Agency. ♦

Acceptable Substitutes List Updated For Ozone-Depleting Substances

On March 10, 1997, USEPA provided an updated list of acceptable substitutes for ozone-depleting substances (ODS) under the USEPA's Significant New

Alternatives Policy (SNAP) program. The list can be found at 62 Fed. Reg. 10700. ♦

Durability Procedure Amendments for Light-Duty Vehicles and Light-Duty Trucks Withdrawn

Due to receipt of an adverse comment USEPA is withdrawing this direct final rule. On March 11, 1997 at 62 Fed. Reg. 11082, USEPA removed the amendments made by the direct final rule and restored the regulatory text that existed prior to the direct final rule. The direct final rule was published on November 15, 1996 at 61 Fed. Reg. 58618 and extended the applicability of durability regulations for light duty vehicles and light duty trucks. (See Dec. 1996 Env. Reg. #511 at pg. 10.) ♦

Clean Air: VOM and RACT Amendments Approved to Illinois State Implementation Plan

On March 12, 1997 at 62 Fed. Reg. 11327, USEPA approved, by direct final rule, Illinois' May 5, 1995, May 26, 1995, and May 31, 1995, submittal of miscellaneous amendments to Illinois' Volatile Organic Material (VOM) Reasonably Available Control Technology (RACT) rules as requested revisions to Illinois' State Implementation Plan (SIP) for ozone. VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by USEPA. These amendments make certain clarifications to the State's VOM RACT rules, and include an exemption of certain polyethylene foam packaging operations from these rules. In this action, USEPA is approving the requested SIP revision through a "direct final" rulemaking. The approval will be effective on May 12, 1997 unless adverse comments are received by the USEPA before April 11, 1997.

The revisions include the Parts IV, V & VI 15% ROP rules, adopted April 20, 1996 by the Board in dockets R94-21, R94-31 & R94-32. ♦

Source Water Protection Workshops Planned

USEPA is planning a number of source water protection workshops around the country as it attempts to put together guidance for states on a source water protection program. Under the 1996 Safe Drinking Water Act (SDWA) Amendments, states will be required to delineate all public water supply sources and identify all potential sources of contamination. States may use up to ten percent of their State Revolving Fund (SRF) funds on source water assessment and protection. Final guidance may be released this summer.

USEPA has scheduled a public meeting for Springfield, Illinois on April 11, 1997 on this matter. (See 62 Fed. Reg. 11433, Mar. 12, 1997.) ♦

Amendments Proposed to State Sewage Sludge Management Programs

On March 11, 1997 at 62 Fed. Reg. 11269, USEPA proposed amendments to its requirements for approvable state sewage sludge management programs. USEPA administers the sewage sludge management programs in state until the state opts to establish a federally-approved program. USEPA stated in the discussion of its proposal that it established its initial requirements for approval of state programs in 1989 (40 CFR 123 & 501), and that only two states presently have approved programs (Utah and Oklahoma). USEPA intends to simplify the requirements for state programs, to remove what it perceives as a barrier to states pursuing program approval. ♦

Proposed Revision to Definition of Volatile Organic Compounds Excludes 16 Compounds

On March 17, 1997 at 62 Fed. Reg. 12583, USEPA proposed to revise the definition of volatile organic compounds (VOC) for purposes of preparing State implementation plans (SIP's) to attain the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (CAA) and for any Federal implementation plan (FIP) for an ozone nonattainment area. This proposed revision would add 16 compounds to the list of compounds excluded from the definition of VOC on the basis that these compounds have negligible contribution to tropospheric ozone formation. These compounds have potential for use as refrigerants, aerosol propellants, fire extinguishers, blowing agents and solvents. Several of these compounds may be used as alternatives to chlorofluorocarbons (CFC's) which are being phased out of production as stratospheric ozone depleters. Comments on the proposal should be submitted to USEPA before April 16, 1996. ♦

Allotment of Drinking Water State Revolving Fund Monies

On March 18, 1997 at 62 Fed. Reg. 12899, USEPA announced its decision on allotment of Drinking Water State Revolving Fund (DWSRF) monies to States. For fiscal year 1997, funds will be allotted based on the formula used to distribute public water systems supervision grants in fiscal year 1995. For fiscal year 1998 and subsequent fiscal years, funds will be allotted based on each State's proportional share of the total eligible needs

for the States, derived from the Drinking Water Infrastructure Needs Survey: First Report to Congress. Each State will be allotted at least one percent of the funds available to the States. Illinois was allotted \$38,500,000 for 1997 (3.1% of the total available) and \$24,800,000 for 1998 (3.5% of the total available).

Consent Decrees Proposed for Comment

U.S. v. LTV Steel - The Justice Department, on March 20, 1997 at 62 Fed. Reg. 13393 announced a consent decree in a CAA enforcement action against an Illinois facility. Under the agreement, LTV Steel would pay \$1,250,000 for its failure to comply with its Prevention of Significant Deterioration (PSD) construction permit and for NESHAP violations for coke battery emissions. LTV further agreed to install certain emissions controls. The proposed Consent Decree was filed in United States v. LTV Steel Company, Civil Action No. 97C-623, in the United States District Court for the Northern District of Illinois on February 2, 1997. Comments relating to the proposed Consent Decree should be submitted to the Department of Justice before April 20, 1997.

Sierra Club v. USEPA - On March 25, 1997 at 62 Fed. Reg. 14139, USEPA published notice of a proposed consent decree in Sierra Club, National Wildlife Federation, Chesapeake Bay Foundation, Inc. v. Carol M. Browner, Administrator, United States Environmental Protection Agency, No. 96-1680 (D.C. Cir.). This citizen suit was filed under section 304(a)(2) of the Act, 42 U.S.C. 7604(a)(2). The action contests USEPA's alleged failure to meet mandatory deadlines under sections 112(m)(5) and (m)(6) of the Act, 42 U.S.C. 7412(m)(5) and (m)(6), which concern the atmospheric deposition of hazardous air pollutants to the Great Lakes, the Chesapeake Bay, Lake Champlain and the coastal waters of the United States. The proposed consent decree provides that USEPA shall take certain actions under those provisions in accordance with specified schedules. USEPA will accept comments on the proposed consent decree through April 24, 1997. ♦

Changes in Requirements For Registration and Extension of Deadlines of Fuels and Fuel Additives

On March 17, 1997 at 62 Fed. Reg. 12564, USEPA promulgated a final rule that finalizes several specific changes to existing regulations which require the registration and testing of designated motor vehicle fuels and fuel additives (F/FAs) by their manufacturers. Included are changes to the regulatory definitions of "fuel manufacturer", "additive", and "small business", as well as modifications to grouping rules for biodiesel and

synthetic fuels. These changes will streamline F/FA registration and testing burdens and reduce the number of registrants, while maintaining the informational value of the program and its contributions to the public health and environmental goals of the Clean Air Act. The rule is effective May 16, 1997.

On March 17, 1997 at 62 Fed. Reg. 12572 by direct final rule, USEPA extended Tier 1 deadlines for biodiesel fuels and Tier 2 deadlines for atypical fuels and fuel additives (F/FAs). These short delays are not expected to have a substantial impact on the benefits of the F/FA testing program, and may prevent certain manufacturers from making unnecessary expenditures. In this direct final rule USEPA also modified the survey precision requirements under the reformulated gasoline (RFG) complex model. This action will permit survey managers to submit a proposed sample size based upon the precision with which means of emission parameters can be estimated, subject to USEPA approval. USEPA expects that this will provide significant cost savings to respondents, without adverse environmental impact. This direct final rule is effective May 16, 1997 unless adverse comments are received by USEPA before April 16, 1997. ♦

Oxygenated Gasoline Program Reformulated Gasoline (OPRG) Category Proposed to be Eliminated From the Reformulated Gasoline Regulations

On March 17, 1997 at 62 Fed. Reg. 12586, USEPA proposed to amend the reformulated gasoline (RFG) regulations to eliminate the separate treatment for a category of gasoline used in oxygen averaging. This category, oxygenated gasoline program reformulated gasoline (OPRG), includes gasoline intended for use in a state oxygenated gasoline program control area during the winter time. Under the current RFG regulations, a refiner must meet the oxygen content standards for the entire pool of gasoline they produce, and for the pool of gasoline they produce that is non-OPRG. USEPA is proposing this action because it no longer believes a distinction between OPRG and non-OPRG is necessary and because removal of the OPRG category would add flexibility and reduce compliance costs for regulated parties, without producing a negative environmental impact. Comments on the proposal should be submitted to USEPA before April 16, 1996. ♦

Statements of Principles for Nonroad Phase 2 Small Spark-Ignited Engines

On March 27, 1997 at 62 Fed. Reg. 14739, USEPA provided advance notice of a proposed rulemaking.

USEPA is developing a second phase of national air emission regulations that affect small spark-ignited (SI) engines used primarily in lawn and garden equipment. USEPA expects the program to reduce combined emissions of hydrocarbon (HC) and oxides of nitrogen (NOX) from these engines by an additional 30 to 40 percent beyond Phase 1 levels, in excess of 100,000 tons of HC per year with minimal changes in NOX. In 1996, USEPA and certain other interested parties signed two different Statements of Principles (SOPs) that describe various aspects of the Phase 2 program that USEPA will propose. One SOP focuses on provisions that would affect engines used in handheld equipment such as leaf blowers, chain saws, and trimmers. The second SOP addresses provisions that would affect engines used in nonhandheld equipment such as lawnmowers and generator sets. USEPA is issuing this ANPRM to: notify the public about the availability of the two small SI nonroad engine SOPs; request comment on the SOPs, and; inform interested parties about the forthcoming Phase 2 small SI engine Notice of Proposed Rulemaking (NPRM) which will be based in part on the two SOPs. Comments should be submitted to USEPA by April 28, 1997. ♦

Proposed Guidelines Establishing Test Procedures for Analysis of Pollutants and National Primary Drinking Water Regulations Under CWA & SDWA

On March 28, 1997 at 62 Fed. Reg. 14975, USEPA proposed a rule to streamline the process for USEPA approval of analytical methods (and modifications thereof) under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). The current methods approval process applies to and is used by public and private laboratories, manufacturers of analytical equipment and analysts who modify analytical methods or who develop new methods for use in compliance monitoring under the CWA and SDWA. The proposed rule only affects states if they choose to adopt the proposed streamlined process as part of their laboratory auditing programs. Under the streamlined methods approval system, USEPA would increase the analyst's flexibility to modify existing test procedures, expedite approval of new and modified test procedures, establish and require the use of standardized quality control (QC) and QC acceptance criteria in existing and new test procedures, and recommend use of standard data elements for reporting test results. Comments should be submitted to USEPA by June 26, 1997. ♦

Guidance on Disposition of Cesium-137 Contaminated Emission Control Dust

On March 19, 1997 at 62 Fed. Reg. 13176, the U.S. Nuclear Regulatory Commission (NRC) issued guidance, in the form of a technical position, that may be used, in case-by-case requests, by appropriate licensees, to dispose of a specific incident-related mixed waste. Mixed waste is a waste that not only is radioactive, but also is classified as hazardous under the Resource Conservation and Recovery Act (RCRA). The specific mixed waste addressed is emission control dust from electric arc furnaces (EAFs) or foundries that has been contaminated with cesium-137 (^{137}Cs). The contamination results from the inadvertent melting of a ^{137}Cs source that: (1) has been improperly disposed of by an NRC or Agreement State licensee; (2) has been commingled with the steel scrap supply; (3) has not been detected as it progresses to the steel-producing process; and (4) is volatilized in the production process and thereby can and has contaminated large volumes of emission control dust

and the emission control systems at steel-producing facilities. The position, which has been coordinated with USEPA, provides the possibility of a public health-protective, environmentally sound, and cost-effective alternative for the disposal of a large part of this mixed waste, much of which contains ^{137}Cs in concentrations similar to values that frequently occur in the environment. The position provides the bases that, with the approval of the appropriate regulatory authorities (e.g., State-permitting agencies) and others such as disposal site operators, allowing for possible public input, this waste could be disposed of as stabilized waste at Subtitle C, RCRA-permitted, hazardous waste disposal facilities. NRC believes that disposal, under the provisions of the position or other acceptable alternatives, is preferable to allowing this mixed waste to remain indefinitely at steel company sites. ♦

FINAL DECISIONS

95-107 People of the State of Illinois v. American Steel Container Company, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$30,000.00, and ordered the respondent to cease and desist from further violation.

97-17 Irma Lopez, Jose Martinez, Joel R. Graray, and Jose Gonzalez v. IEPA - The Board dismissed this RCRA citizens enforcement action involving a Cook County facility for failure to comply with the Board's orders of October 17, 1996 and December 19, 1996.

97-47 Daubs Landfill v. IEPA - The Board granted voluntary withdrawal of this land permit appeal involving a Wayne County facility.

97-67 Mid-American Waste Systems of Illinois, Inc. and Allied Waste Industries (Midwest), Inc., d/b/a Groen Waste Services Transfer Station v. IEPA - The Board granted voluntary dismissal of this land permit appeal involving a Cook County facility.

97-91 Land and Lakes Company (Willow Ranch) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no land permit appeal was timely filed for this Will County facility.

97-109 Covelli's A-1 Service 76 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 for this Kane County facility.

97-128 People of the State of Illinois v. Belle-Aire Fragrances, Inc. - The Board accepted a stipulation and settlement agreement in this EPCA enforcement action against a Lake County facility, ordered the respondent to pay a civil penalty of \$3,500.00, and ordered the respondent to cease and desist from further violation.

R97-10 In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) - The Board adopted amendments to its existing underground storage tank (UST) rules. - *See Rulemaking Update*

FINAL DECISIONS

94-305 Russ Service & Towing v. IEPA - The Board voluntarily dismissed this underground storage tank appeal involving a Whiteside County facility.

96-131 People of the State of Illinois v. Fenton Press, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a DuPage County facility, ordered the respondent to pay a civil penalty of \$13,000.00, and ordered the respondent to cease and desist from further violation.

96-194 D.B. Hess Company, Inc. v. IEPA - The Board granted this McHenry County facility a variance from 35 Ill. Adm. Code 218.407(a)(1)(C),(D),(E) and 218.411(b)(1),(2),(3) of the Board's air regulations, subject to conditions, for VOM emission and afterburner notice requirements.

96-250 White & Brewer Trucking, Inc. v. IEPA - The Board granted summary judgment in favor of the respondent in this land permit appeal involving a Montgomery County facility.

97-161 Enthone-OMI, Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted a thirty (30)-day provisional variance from the ninety (90)-day limitation on the accumulation of hazardous wastes at this Cook County facility.

AC 97-13 County of DuPage v. M. Saleem Choudhry - The Board accepted a stipulation and settlement agreement in this administrative citation action involving a facility located in DuPage County, finding that the respondent had violated Sections 21(p)(1) and 21(p)(4) of the Act and ordering the respondent to pay a civil penalty of \$1,000.00.

AC 97-37 County of Vermilion v. Randall Richter - The Board entered a default order, finding that this Vermilion County respondent had violated Section 21(p)(1) of the Act and ordering the respondent to pay a civil penalty of \$500.00.

AC 97-45 County of Vermilion v. Elvis Ford - The Board entered a default order, finding that this Vermilion County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering the respondent to pay a civil penalty of \$1,000.00.

R95-15 Petition of Marathon Oil Company for a Site-Specific Regulation: 35 Ill. Adm. Code 216, Subpart N - The Board voluntarily dismissed this request for Site-Specific rulemaking involving a Crawford County facility. - *See Rulemaking Update*

R97-14 In the Matter of: Emergency Rulemaking: Rules to the Emergency Livestock Waste Regulations, 35 Ill. Adm. Code 505 - The Board adopted a supplemental order extending its previous decision which puts into effect the Livestock Management Facilities (LMF) Act. - *See Rulemaking Update*

NE CASES

97-114 McWane, Inc. v. IEPA - The Board accepted this underground storage tank appeal from a DuPage County facility for hearing.

97-131 Central Illinois Public Service Company v. IEPA - The Board held this petition for water variance for the Agency recommendation involving a Montgomery County facility.

97-140 North Shore Sanitary District v. IEPA - The Board accepted this request for 90-day extension of time to file a land permit appeal from a Lake County facility.

97-141 People of the State of Illinois v. Mark Meade Excavators, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Lake County facility, the Board ordered publication of the required newspaper notice.

97-142 Scott-Morgan CUSD #2 v. IEPA - The Board accepted this underground storage tank appeal from a Scott County facility for hearing. Consolidated with PCB 97-152.

97-143 Jeffrey J. Webb v. City of Anna, Illinois - The Board held this citizen's water enforcement action against a Union County facility for a frivolous and duplicitous determination.

97-144 Laidlaw Waste Systems, Inc. v. IEPA - The Board accepted this request for 90-day extension of time to file a land permit appeal from a Coles County facility.

97-145 Pekin Energy Company v. IEPA - The Board held this petition for water variance for the Agency recommendation involving a Tazewell County facility.
97-146 Kean Oil Company v. IEPA - The Board accepted this underground storage tank appeal from a Cook County facility for hearing.

97-147 People of the State of Illinois v. J.D. Plating Works, Inc. - The Board received this RCRA and water enforcement action against a Lake County facility for hearing.

97-148 Marilyn J. Richey v. Texaco Refining and Marketing, Inc. - The Board held this citizen's underground storage tank enforcement action against a Madison County facility for a frivolous and duplicitous determination.

97-149 McWane, Inc. v. IEPA - The Board accepted this underground storage tank appeal from a DuPage County facility for hearing.

97-151 Fox Waterway Agency v. IEPA - The Board held this petition for water variance involving a McHenry County facility for further review.

97-152 Scott-Morgan CUSD #2 v. IEPA - The Board accepted this underground storage tank appeal from a Scott County facility for hearing. Consolidated with PCB 97-142.

R97-25 Great Lakes Water Quality Initiative - The Board reserved this docket for an expected Agency Proposal. - *See Rulemaking Update*

R97-26 Amendments to Agriculture Related Pollution Regulations at 35 Ill. Adm. Code Subtitle E - The Board reserved this docket for the purpose of clearing up any inconsistencies between the proposed amendments in R97-15, Livestock Waste Regulations, 35 Ill. Adm. Code 506 and existing Agriculture Regulations found in 35 Ill. Adm. Code Subtitle E. - *See Rulemaking Update*

R97-27 Revision of the Waste Disposal Rules: Amendments 35 Ill. Adm. Code 817.101 - The Board held this proposal for further review. - *See Rulemaking Update*

NE CASES

97-150 McKay Contractors, Inc. v. IEPA - The Board accepted this request for 90-day extension of time to file

underground storage tank appeal on behalf of a Cook County facility.

97-151 Fox Waterway Agency v. IEPA - The Board accepted this petition for water variance involving a McHenry County facility. Board Member K. Hennessey abstained.

97-153 D & L Landfill, Inc. v. IEPA - The Board accepted this request for 90-day extension of time to file a land permit appeal on behalf of a Bond County facility.

97-154 Monsanto Company (William G. Krummrich Plant) v IEPA - The Board held this petition for a RCRA land permit appeal involving a St. Clair County facility for further review.

97-155 Shell Oil Products Company v. IEPA - The Board accepted this request for 90-day extension of time to file underground storage tank appeal on behalf of a DuPage County facility.

97-156 Village of Fox River Grove v. IEPA - The Board accepted this NPDES permit appeal on behalf of a Cook County facility for hearing.

97-157 R. Lavin & Sons, Inc. v. IEPA - The Board accepted this RCRA permit appeal on behalf of a Cook County facility for hearing.

97-158 Donald & Verna Bryant v. Doug Heil and Harrisburg Truss Company - The Board held this citizen's noise enforcement action against a Saline County facility for a frivolous and duplicitous determination.

97-159 Central Illinois Public Service Company (Newton Lake) v IEPA - The Board held this petition for water variance for further review involving a Jasper County facility.

97-160 Browning-Ferris Industries of Illinois, Inc. v. IEPA - The Board accepted this request for 90-day extension of time to file land permit appeal on behalf of a Ogle County facility.

97-161 Enthone-OMI, Inc. v. IEPA - *See Final Actions*

97-162 Swearingin Services, Inc. (Period from May 1, 1995 to July 31, 1995) v. IEPA - The Board accepted this request for 90-day extension of time to file a underground storage tank appeal on behalf of a Jersey County facility.

97-163 Swearingin Services, Inc. (Period from November 1, 1994 to April 30, 1995) v. IEPA - The Board accepted this request for 90-day extension of time to file a underground storage tank appeal on behalf of a Jersey County facility.

97-164 Swearingin Services, Inc. (Period from May 1, 1995 to May 31, 1995) v. IEPA - The Board accepted this request for 90-day extension of time to file a underground storage tank appeal on behalf of a Jersey County facility.

97-165 Swearingin Services, Inc. (Period from May 1, 1995 to June 30, 1995) v. IEPA - The Board accepted this request for 90-day extension of time to file a

underground storage tank appeal on behalf of a Jersey County facility.

97-166 Swearingin Services, Inc. (Period from October 1, 1995 to October 31, 1995) v. IEPA - The Board accepted this request for 90-day extension of time to file underground storage tank appeal on behalf of a Jersey County facility.

CORRECTIONS FROM MARCH, 1997 ISSUE

- The new case listing for 97-126 listed in the New Cases for 2/6/97 was incorrect. That case was listed correctly under New Cases for 2/20/97
- The case listing for 97-112 listed under the New Cases for 2/20/97 was incorrect and should have read:
97-112 O.K Service Center v. IEPA - The Board accepted this underground storage tank appeal on behalf of a Cook County facility for hearing.

AC 97-47 Wayne County Health Department v. John Barnes - The Board received an administrative citation against this Wayne County respondent.

AC 97-48 County of Will v. American Fly Ash - The Board received an administrative citation against this Will County respondent.

AC 97-49 County of Will v. American Fly Ash - The Board received an administrative citation against this Will County respondent.

AC 97-50 County of Will v. American Fly Ash - The Board received an administrative citation against this Will County respondent.

AC 97-51 County of Will v. American Fly Ash - The Board received an administrative citation against this Will County respondent.

AC 97-52 County of Will v. American Fly Ash - The Board received an administrative citation against this Will County respondent.

CALENDAR OF HEARINGS

All hearings held by the Board are open to the public. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available by calling the Clerk of the Board at 312- 814-6931.

Date & Time	Case # & Type	Case Name and Location
4/14/97 10:00 AM	PCB 94-256 L-E, Citizens	<u>DoALL Company, DoALL Credit Corporation, and Rams-Head Company v. Skokie Valley Asphalt Company, Inc.</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
4/15/97 10:00 AM	PCB 95-091 L-E, Citizens	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc.</u> - Office of the Attorney General, Conference Room, 500 South Second Street, Springfield, Illinois
4/16/97 10:00 AM	PCB 95-091 L-E, Citizens	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc.</u> - Office of the Attorney General, Conference Room, 500 South Second Street, Springfield, Illinois
4/16/97 10:00 AM	PCB 96-237 L-E	<u>People of the State of Illinois v. ESG Watts, Inc.</u> - State Police Training Center, Third Floor, 600 South Second Street, Springfield, Illinois
4/17/97 10:00 AM	AS 97-005 Air	<u>In the Matter of: Petition of the Louis Berlarian Company, d/b/a The Swenson Spreader for an Adjusted Standard from 35 Ill. Adm. Code Part 215, Subpart F</u> - Ogles County Courthouse, Basement Conference Room, 100 South Fourth Street, Oregon, Illinois
4/22/97 10:00 AM	PCB 97-139 L-S-R, Third Party	<u>Residents Against a Polluted Environment v. County of LaSalle & LandComp Corporation</u> - Downtown Courthouse, Room 300, 119 West Madison Street, Ottawa, Illinois
4/29/97 09:30 AM	PCB 97-064 EPCRA-E	<u>People of the State of Illinois v. Unique Marble Products, Inc.</u> - Effingham County Office Bldg., 1 st Floor Conference Room, 101 North 4 th Street, Effingham, Illinois
5/2/97 10:00 AM	PCB 97-142 UST-FRD	<u>Scott-Morgan CUSD #2 v. IEPA</u> - Illinois Pollution Control Board, Conference Room, 600 South Second Street, Springfield, Illinois
5/6/97 10:00 AM	PCB 97-151 W-V, NPDES	<u>Fox Waterway Agency v. IEPA</u> - Lake Zurich Village Hall, Council Chambers, Lower Level, 70 East Main Street, Lake Zurich, Illinois
5/9/97 01:00 PM	AC 97-041 AC	<u>County of Will v. Utilities Unlimited, Inc.</u> - Will County Courthouse, Courtroom 100, 14 West Jefferson Street, Joliet, Illinois
5/22/97 10:00 AM	AC 94-008 AC	<u>Sangamon County v. ESG Watts, Inc.</u> - State Police Training Center, Third Floor, 600 South Second Street, Springfield, Illinois
6/20/97 10:00 AM	PCB 91-028 P-A, NPDES	<u>Acme Steel Company v. IEPA</u> - (Consolidated with PCB 92-2) James R. Thompson Center, Suite 11-500, 100 West Randolph Street Chicago, Illinois

For case types see calendar code on p. 14

Calendar Code

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		