



ENVIRONMENTAL REGISTER



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RULEMAKING UPDATE

Board Adopts for First Notice Tiered Approach to Corrective Action Objectives, R97-12(B)

On July 10, 1997, the Board adopted for first notice publication in the *Illinois Register* amendments to the original Tiered Approach to Corrective Action Objectives (TACO) rules concerning mixtures of similar-acting chemicals (mixture rule) in the TACO program. The TACO methodology is premised upon the statutory mandates in the Site Remediation legislation, P.A. 89-431, which was signed and became effective December 15, 1995, as amended by P.A. 89-443, effective July 1, 1996. The proposal was filed by the Illinois Environmental Protection Agency on September 16, 1996. Two hearings were held in R97-12(B); on May 21, 1997, in Chicago and on May 29, 1997, in Springfield.

The Board adopted final rules in R97-12(A) on June 5, 1997. Prior to finalizing the TACO rules, the Board, on May 1, 1997, had opened Docket B to address the mixture rule as it relates to remediation objectives for similar-acting carcinogenic and noncarcinogenic chemicals in soil and groundwater.

The first notice proposal creates a mixture (*Cont'd on p.2*)

FEDERAL ACTIONS

Consent Decree Reached between USEPA and Shell Oil Company (Madison County)

The United States Environmental Protection Agency (USEPA) and Shell Oil Company (Shell) have reached a proposed consent decree for Shell's alleged clean air violations at the Shell Wood River oil refinery located in Madison County (62 Fed. Reg. 36079). Under the proposed consent decree, Shell will pay a civil penalty of \$678,000 and install an \$8 million pollution control device to reduce benzene emissions from its facility. The pollution control measures agreed to by Shell will reduce benzene emissions by 100 tons per year. Benzene is regulated under the National Emissions Standards for Hazardous Air Pollutants and is known to cause cancer in humans. The USEPA accepted comments through August 4, 1997. ♦

Advance Notice of Proposed Revisions to Drinking Water Requirements for Certain Chemical Contaminants

The United States Environmental Protection Agency (USEPA) provided advance notice of its plan to propose revised drinking water monitoring requirements for 64 chemical contaminants (62 Fed. Reg. 36099). These chemicals may occur in the source water of public drinking water systems and are regulated on the basis of chronic health over a 70-year period. The purpose of the revisions would be to base the monitoring requirements for each water system on its risk of contaminants and to establish a uniform and simple sampling schedule for those water systems without an apparent or significant risk of contamination. A public hearing was held in Chicago on July 9, 1997. The USEPA accepted comments through August 4, 1997. ♦

(*Federal Actions Cont'd on p.5*)

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RULEMAKING UPDATE

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rule in each of the three tiers of the TACO program. The mixture rule under Tier 1 requires that the mixture of similar-acting noncarcinogenic chemicals be evaluated when determining groundwater remediation objectives. Similar-acting carcinogenic chemicals must be evaluated in groundwater when the Tier 1 remediation objectives are exceeded or when similar-acting carcinogenic chemicals have remediation objectives at a risk level higher than 1 in 1 million. The mixture rule under Tier 2 requires that similar-acting noncarcinogenic and carcinogenic chemicals be evaluated when developing groundwater remediation objectives. The mixture rule under Tier 2 also requires that similar-acting noncarcinogenic chemicals be evaluated when determining soil remediation objectives. The mixture rule under Tier 3 requires that similar-acting noncarcinogenic and carcinogenic chemicals be evaluated for both groundwater and soil remediation objectives.

Pursuant to Section 5.01 of the Illinois Administrative Procedure Act (IAPA) and Section 102.342 of the Board's procedural rules, the IAPA 45-day public comment period will commence upon publication of the proposed rules in the *Illinois Register*, during which time the Board will accept written comments from any person. Persons interested in providing comments should submit such comments in writing to the Clerk of the Board prior to the expiration of the 45-day period. The Board does not intend to hold additional hearings unless requested to do so pursuant to the IAPA.

Any questions regarding this rulemaking may be directed to Amy Muran Felton at (312)814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts for First Notice Clean Fuel Fleet Program: Amendments to 35 Ill. Adm. Code 241, R98-8

On July 7, 1997, the Illinois Environmental Protection Agency (IEPA) filed a proposal for amendments to 35 Ill. Adm. Code 241, the Clean Fuel Fleet Program (CFFP). The proposal was filed pursuant to Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1996)). Pursuant to the provisions of that section, the Board is required to proceed within set timeframes toward the adoption of the regulation. The Board has no discretion to adjust these timeframes under any circumstances. Accordingly, on July 10, 1997, the Board

adopted the proposal for first notice publication in the *Illinois Register* under the Illinois Administrative

Procedure Act without commenting on the merits of the proposal.

The Board adopted the CFFP on September 7, 1995. See *In the Matter of: Clean Fuel Fleet Program: 35 Ill. Adm. Code 241* (September 7, 1995), R95-12. Sections 182(c)(4)(A) and Section 246 of the Clean Air Act (42 U.S.C. 7511 (c)(4)(A) and 7586 (1990)), require all serious, severe and extreme ozone nonattainment areas (NAA) to adopt a CFFP. In Illinois, the Chicago area is classified as a severe NAA and is subject to the CFFP. The attainment year for the Chicago area is 2007. Pursuant to CFFP, if certain fleet owners acquire new motor vehicles, beginning model year 1998 and thereafter, a specified percentage of these new motor vehicles must be clean fuel fleet vehicles which meet the federal low emissions standards established by the United States Environmental Protection Agency for the CFFP. The proposal filed by the IEPA requests the Board to amend certain sections of the CFFP to reflect that owners and operators will have an additional year to meet the requirements of the CFFP and to correct certain credit amounts given for over-compliance.

The Board will conduct hearings in this matter at 10:00 a.m. on August 27, 1997, in Suite 11-500 at the James R. Thompson Center, 100 West Randolph, Chicago, and on September 24, 1997, and October 10, 1997, at the same time and location, if necessary.

Any questions regarding this rulemaking may be directed to Amy Muran Felton at (312)814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts for First Notice Emissions Reduction Market System; Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Adm. Code 106, R97-13

On October 7, 1996, the Illinois Environmental Protection Agency (IEPA) filed a proposal pursuant to Sections 9.8, 27, and 28 of the Environmental Protection Act (Act) (415 ILCS 5/9.8, 5/27, 5/28 (1996)). The IEPA's rulemaking proposal consists of two components. The first is the addition of 35 Ill. Adm. Code 205 which sets forth regulations creating an emissions reduction market system (ERMS) program for volatile organic material (VOM) for the Chicago nonattainment area. As proposed, the ERMS program is one component of the IEPA's plan designed to achieve a 9% reduction in VOM emissions by 1999 in the Chicago nonattainment area. Section 182(b)(1) of the Clean Air Act (CAA), as amended in 1990, (42 U.S.C. 7511 (b)(1)(A)) requires that by 1996, ozone nonattainment areas reduce emissions of VOM by 15% from 1990 levels. The second component of the proposal amends 35 Ill. Adm. Code 106 of the Board's procedural regulations to provide procedures by

which the regulated sources may appeal IEPA's decision pertaining to the ERMS program.

The Board held nine days of hearings in this matter. The hearings took place on January 21 and 22, February 3, 4, 10 and 11, March 10, and April 21 and 22, 1997. The hearings were all held in Chicago, since the proposal affects the Chicago nonattainment area.

On July 10, 1997, the Board adopted a proposal for first notice publication in the *Illinois Register*. The Board also directed the hearing officer to schedule a hearing to address matters including but not limited to: the findings of the Ozone Transport Assessment Group; New Source Review Offsets; applicability of the ERMS program to landfills; methods and practices during an appeal; language of Sections 205.330 and 337(b); adoption of Maximum Achievable Control Technology (MACT) for industrial categories; emission units achieving Best Available Control Technology; Emission Reduction Generator shutdowns; and Emissions Excursion Compensation. That hearing is scheduled for August 19, 1997, at 10:00 a.m. in room 9-40 of the James R. Thompson Center in Chicago and, to be continued if necessary, on August 20, 1997, at 10:00 a.m. at the Holiday Inn Mart located at 350 North Orleans, Chicago, in the Marquette Room on the 16th floor. Please call 312/814-3620 to confirm the location and time of these hearings.

The proposed Part 205 is designed to regulate stationary point sources that are located in the Chicago ozone nonattainment area, which are required to obtain a Clean Air Act Permit Program permit and have seasonal emissions of at least 10 tons of VOM. Proposed Part 205 regulates these sources by establishing a historical emissions baseline and then reduces that baseline by 12%, thereby creating an emissions cap that is 12% below the historical VOM emissions. The baseline is established by averaging the two highest seasons of VOM emissions from the source between 1994 and 1996. The sources are then issued allotment trading units (ATUs) in an amount equal to their baseline. The sources are required to hold ATUs in the amount equal to their seasonal emissions of VOM. The proposed Part 205 identifies the seasonal allotment period to be May 1 through September 30. Sources can either reduce their emissions by 12% or purchase ATUs from the market created by the proposed rule to meet their emissions needs for each seasonal period. The ERMS program is designed to be permanent and to be a component of the ROP plan to achieve a 9% reduction in VOM emissions in the Chicago nonattainment area.

The Board decided not to amend Part 106 as proposed by the IEPA. The Board decided to instead use the Board's current procedural rules in Part 105 until the Board's proposed amendments to its procedural rules are adopted. See Revisions of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R97-8. Once the amendments

to the procedural rules are adopted, the Board will amend Part 205 in the ERMS program to reflect the change in reference to the Board's procedural rules.

Pursuant to Section 5-40 of the Illinois Administrative Procedure Act (IAPA) and Section 102.342 of the Board's procedural rules, the IAPA 45-day public comment period will commence upon publication of the proposed rules in the *Illinois Register*, during which the Board will accept written comments from any person. Persons interested in providing comments should submit such comments in writing to the Clerk of the Board prior to the expiration of the 45-day period.

Any questions regarding this rulemaking may be directed to Charles Feinen at (312)814-3473; e-mail address: cfeinen@pcb084r1.state.il.us or Richard McGill at (312)814-6983; e-mail address: rmcgill@pcb084r1.state.il.us ♦

Board Adopts Proposed Underground Injection Control and Resource Conservation and Recovery Act Subtitle C Hazardous Waste Amendments, R96-10, R97-3, and R97-5

On July 24, 1997, the Board proposed amendments to the underground injection control (UIC) and Resource Conservation and Recovery Act (RCRA) Subtitle C regulations at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 738, and 739. Section 22.4(a) of the Environmental Protection Act provides for quick adoption of regulations that are "identical-in-substance" to federal regulations adopted by the United States Environmental Protection Agency (USEPA) to implement Sections 3001 through 3005 of RCRA Subtitle C (42 U.S.C. §§ 6921-6925 (1996)). Section 13(c) similarly provides with respect to underground injection control regulations adopted by the USEPA pursuant to Section 1421 of the Safe Drinking Water Act (42 U.S.C. §300(h) (1996)). Because this rulemaking is "identical-in-substance" it is not subject to Section 5 of the Administrative Procedure Act and it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules. The federal UIC regulations are found at 40 CFR 146 through 148. The federal RCRA Subtitle C regulations are found at 40 CFR 260 through 268, 270 through 271, 273, and 279. The proposed rules update RCRA Subtitle C regulations to correspond with federal amendments dated July 1, 1995, through June 30, 1996, and UIC regulations to correspond with federal amendments dated January 1, 1996, through June 30, 1996.

The 500-page proposed order includes several substantive revisions regarding the following: liquids in landfills amendments (35 Ill. Adm. Code 720.111, 724.414 and 725.414); additional clean water act testing methods (35 Ill. Adm. Code 720.111); carbamate waste amendments/phase III land disposal restrictions (35 Ill.

Adm. Code 721, 728 and 738); expanded public participation procedural amendments (35 Ill. Adm. Code 702.111, 703.183, 703.223, 703.225, 702.248 and 703.191 through 703.193); amendments to the organic material emissions rules for tanks, containers, and surface impoundments (Subparts CC to Parts 724 and 725); exclusion of recovered oil from the definition of solid waste (35 Ill. Adm. Code 721.104); and amended import and export requirements to implement the Organization for Economic Cooperation and Development decision (35 Ill. Adm. Code 721.106, 722.110, 722.153, 722.156, 722.158, 277.180-722.189, 723.110, 723.120, 724.112, 724.171, 725.112, 725.171, 726.170, 733.120, 733.140, 733.156 and 733.170). The amendments also include numerous nonsubstantive corrective and stylistic revisions in order to enhance the clarity of the rules.

By adopting this proposal, the Board caused the amendments to be published in the *Illinois Register* and will hold the docket open for 45 days after the date of publication to receive public comments. Copies of the Board's opinion and order can be obtained by contacting the Board at 312/814-3620 and referencing the Board's docket numbers R96-10, R97-3, and R97-5.

Any questions and comments regarding this rule-making may be directed to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us ♦

Board Accepts for Hearing Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code 814, AS97-11

On July 24, 1997, the Board accepted for hearing the petition of the Greater Rockford Airport Authority (petitioner) for an adjusted standard from 35 Ill. Adm. Code 814, Subpart D of the nonhazardous waste landfill rules to allow compliance boundary of the petitioner's two foundry waste monofills to be reset from the edge of the landfills to the banks of the Rock and Kishwaukee Rivers. Petitioner also requested a hearing under 35 Ill. Adm. Code 106.705(j). According to the Board's order, a hearing officer will be assigned to schedule and conduct the hearing after the Illinois Environmental Protection Agency (IEPA) files its response.

On July 3, 1997, the IEPA filed a motion for extension of time to file a response to the petition, which was due on July 14, 1997. In its July 24, 1997 order, the Board also granted the IEPA an extension of time until July 31, 1997, to file a response.

Questions or comments regarding this matter may be directed to Richard McGill at 312/814-6983; e-mail: rmcgill@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

(Cont'd from p. 1)

Approval of State Implementation Plan for Various Illinois Counties

The United States Environmental Protection Agency (USEPA) approved revisions to the Illinois State Implementation Plan (SIP) rate of progress (ROP) plans for reducing volatile organic material (VOM) emissions in the Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Oswego Township in Kendall County, and Aux Sable and Goose Lake Townships in Grundy County) and in the Metro-East St. Louis ozone nonattainment area (Madison, Monroe, and St. Clair counties) (62 Fed. Reg. 37494 (July 14, 1997)).

On November 15, 1990, Congress enacted amendments to the Clean Air Act (CAA) (42 U.S.C. 7401 *et seq.* (1990)). Section 182(b)(1) of the CAA requires states with ozone nonattainment areas classified as moderate and above to submit to ROP plans to reduce VOM emissions by 15% from 1990 levels by November 15, 1996, accounting for growth in the VOM emissions occurring after 1990. The SIP is intended to reduce VOM by 15% by November 15, 1996, relative to 1990 baseline emissions; contingency plans for the same ozone nonattainment areas for the purpose of achieving an additional 3% VOM emission reductions beyond the 15% ROP plans; and transportation control measures for the Metro-East St. Louis area. Emissions of VOM react with nitrogen oxides in sunlight to form ground-level ozone, commonly known as smog. The final rule is effective September 12, 1997, unless adverse comments are received by USEPA by August 13, 1997. ♦

Approval of Procedures for Modifying Publicly Owned Treatment Works Programs

The United States Environmental Protection Agency (USEPA) revised procedures for modifying the requirements of approved Publicly Owned Treatment Works (POTW) programs incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued to POTWs (62 Fed. Reg. 38405 (July 17, 1997)). USEPA believes that the new regulations will reduce the administrative burden and cost associated with maintaining approved pretreatment programs without affecting environmental protection. Entities regulated by this action are governmental entities responsible for the implementation of the National Pretreatment Program. This rule is effective August 18, 1997.

The rule streamlines the procedures for modifying approved POTW Pretreatment Programs in several ways. First, fewer categories of modifications are considered "substantial" and, therefore, automatically subject to the detailed public notice procedures. Second, the rule no longer requires the approval authority to issue a public notice of its final approval of a modification. Third, public notice provided by a POTW will satisfy the approval authority's obligation to provide notice in certain circumstances. Fourth, the rule will allow a POTW to report changes to its list of industrial users in the POTW's annual reports, rather than being required to obtain advance approval. Fifth, the period of notice that POTW's must provide for non-substantial modifications and the time for review by the approval authorities will both be 45 days. Sixth, the rule grants additional flexibility regarding the type of newspaper that may publish the notices and the government agencies that receive additional notice of all modifications. ♦

Adoption of National Ambient Air Quality Standards for Particulate Matter

The United States Environmental Protection Agency (USEPA) has revised the national ambient air quality standards (NAAQS) for particulate matter (PM) based on its review of the available scientific evidence linking exposures to ambient PM to adverse health and welfare effects at levels allowed by the current PM standards (62 Fed. Reg. 38651 (July 18, 1997)). The current PM standards are revised in several respects: two new PM_{2.5} standards are added, set at 15 g/m³, based on the 3-year average of annual arithmetic mean PM_{2.5} concentrations from single or multiple community-oriented monitors, and 65 g/m³, based on the 3-year average of the 98th percentile of 24-hour PM_{2.5} concentrations at each population-oriented monitor within an area; and the current 24-hour PM₁₀ standard is revised to be based on the 99th percentile of 24-hour PM₁₀ concentrations at each monitor within an area.

The primary standards will provide increased protection against a wide range of PM-related health effects, including premature mortality and increased hospital admissions, and emergency room visits, primarily in elderly and individuals with cardiopulmonary disease; increased respiratory symptoms and disease, in children and individuals with cardiopulmonary disease such as asthma; decreased lung function, particularly in children and individuals with asthma; and alternations in lung tissue and structure and in respiratory tract defense mechanisms. The current secondary standards are revised by making them identical in all respects to the new primary standards. The new secondary standards, in conjunction with a regional haze program, will provide

appropriate protection against PM-related public welfare effects including soiling, material damage, and visibility impairment. This rule is effective September 16, 1997.

This rule also revises requirements for designation of

reference and equivalent methods for PM and ambient air quality surveillance (62 Fed. Reg. 38763 (July 18, 1997)). Specifically, these revisions address network design and siting, quality assurance and quality control, operating schedule, network completion, system modifications, data reporting, and other monitoring subjects. This regulation is also effective September 16, 1997. ♦

FINAL DECISIONS 7/10/97

94-191 Arco Products Company v. IEPA - The Board granted petitioner's motion for withdrawal of this National Pollutant Discharge Elimination System (NPDES) permit appeal involving a Cook County facility. Board Member K.M. Hennessey abstained.

96-108 Allied Tube & Conduit Corporation v. IEPA - The Board granted petitioner's motion for withdrawal of this air permit appeal involving a Cook County facility.

96-147 People of the State of Illinois v. Illinois Cement Company - The Board accepted a stipulation and settlement agreement in this mine and water enforcement action involving a LaSalle County facility, ordered the respondent to pay a civil penalty of \$20,500 and to perform a supplemental environmental project, and ordered the respondent to cease and desist from further violations. Board Member K.M. Hennessey abstained.

97-151 Fox Waterway Agency v. IEPA - The Board granted this McHenry County facility a variance, subject to conditions, from the effluent limits found at 35 Ill. Adm. Code 304.105, 304.106, 304.123, and 304.124 of the Board's regulations. Board Member K.M. Hennessey abstained.

97-176 Schuller International Corporation v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Lake County facility.

97-185 Old Elm Country Club v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Lake County facility.

97-194 Department of the Navy, Naval Training Center Great Lakes v. IEPA and R. Lavin & Sons, Inc. - The Board dismissed this third party petition for review of an NPDES permit due to the Board's lack of statutory authority. Board Member K.M. Hennessey abstained.

97-198 Gibson Service Station v. IEPA - The Board dismissed this underground storage tank appeal for failure to timely file an amended petition.

97-208 Arco Products Company v. IEPA - The Board granted petitioner's motion for withdrawal of this NPDES permit appeal involving a Cook County facility. Board Member K.M. Hennessey abstained.

97-212 People of the State of Illinois v. City of Kewanee - The Board accepted a stipulation and settlement agreement in this water enforcement action involving a Henry County facility, ordered the respondent to pay a civil penalty of \$3,000, and ordered the respondent to cease and desist from further violations. Board Member K.M. Hennessey abstained.

98-7 Mobil Oil Corporation v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from certain emission requirements, as set forth in 35 Ill. Adm. Code 216.361(a), 212.123 and 212.381 of the Board's air pollution control regulations.

98-8 Ensign-Bickford Company v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Union County facility.

98-12 Commonwealth Edison Company (Zion Power Station) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in 35 Ill. Adm. Code 304.141(b) and 309.102 of the Board's water regulations. Board Member K.M. Hennessey abstained.

98-13 Fox Waterway Agency v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this McHenry County facility a 21-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in 35 Ill. Adm. Code 304.105, 304.106, 304.123(b), and 304.124 of the Board's water regulations and imposed by Operating Permit No. 1993-EA-3060, for effluent discharged from Project One Ackerman Island, Fox Lake, Illinois. Board Member K.M. Hennessey abstained.

AC 97-17 County of Will v. Mitch Pinnick - The Board entered an order requiring the respondent to pay \$136 in

hearing costs. This order supplements the Board's interim order of May 15, 1997, which found that this Will County respondent had violated Section 21(p)(1) and 21(p)(3) of the Environmental Protection Act and ordered the respondent to pay a civil penalty of \$1,000.

AC 97-57 County of Vermilion v. Brickyard Disposal and Recycling, Inc. - The Board entered a default order, finding that this Vermilion County respondent had violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Environmental Protection Act and ordered the respondent to pay a civil penalty of \$1,500.

AC 97-63 County of Will v. Derrick Craig - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

AC 97-64 Wayne County Health Department v. John Barnes - The Board entered a default order, finding that this Wayne County respondent had violated Section 21(p)(1) of the Environmental Protection Act and ordered the respondent to pay a civil penalty of \$500.

AC 97-66 IEPA v. RCS, Inc. and Rickie L. Laird - The Board entered a default order, finding that these Jersey County respondents had violated Sections 21(o)(5) and 21(o)(12) of the Environmental Protection Act and ordered them to pay a civil penalty of \$1,000.

AS 97-8 In the Matter of: Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code Part 811.309 - The Board granted an adjusted standard, with conditions, from 35 Ill. Adm. Code Part 811.309 of the Board's regulations pertaining to the treatment and disposal of leachate.

FINAL DECISIONS 7/24/97

95-115 Illico Independent Oil Co. v. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Tazewell County facility.

97-213 Ryder Truck Rental, Inc. v. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility.

97-216 The Knapheide Mfg. Co. v. IEPA - The Board granted petitioner's motion for withdrawal of this petition for extension of a prior air variance involving an Adams County facility.

98-20 Commonwealth Edison Co. (Zion Power Station) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211, 304.141(b) of the Board's water regulations and in the Board's order, In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134. Board Member K.M. Hennessey abstained.

AC 97-60 IEPA v. Stacy Hess - The Board entered an order finding that this Tazewell County respondent had violated Section 21(p)(1) of the Environmental Protection Act and ordered him to pay a civil penalty of \$500.

AC 97-67 County of LaSalle v. Mike and Janet Brown - The Board entered a default order finding that these LaSalle County respondents violated Section 21(p)(1) of the Environmental Protection Act and ordered them to pay a civil penalty of \$500.

AC 97-68 County of Vermilion v. Randall Richter - The Board entered a default order finding that this Vermilion County respondent violated Section 21(p)(1) of the Environmental Protection Act and ordered him to pay a civil penalty of \$500.

NEW CASES 7/10/97

97-229 People of the State of Illinois v. Autorad, Inc. - The Board received for hearing this Emergency Planning Community Right to Know Act (EPCRA) enforcement action against a Cook County facility.

97-230 People of the State of Illinois v. Standard T. Chemical Company - The Board received for hearing this EPCRA enforcement action against a Cook County facility.

97-231 People of the State of Illinois v. Graftek Press, Inc. - The Board received for hearing this air enforcement action against a McHenry County facility.

97-232 Frank Shirey Cadillac, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

97-233 Citizens Opposed to Additional Landfills and Harvey Pitts v. Greater Egypt Regional Environmental Complex a/k/a Gere Properties, Inc. and the Perry County Board of Commissioners - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a proposed Perry County facility.

97-234 Antonio D. H. Kam v. Kikon Suh - The Board held this citizen's UST enforcement action against a Cook County facility for a duplicitous and frivolous determination.

97-235 Laidlaw Waste Systems, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file a land permit appeal on behalf of a Cook County facility.

97-236 People of the State of Illinois v. Village of Bartlett - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice.

97-237 People of the State of Illinois v. Frank Levato - The Board received for hearing this air enforcement action against a Cook County facility.

98-1 City of Salem v. IEPA - The Board held this petition for IEPA recommendation for a land variance involving a Marion County facility.

98-2 ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a Sangamon County facility.

98-3 Wheelabrator Water Technologies, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

98-4 L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Madison County facility.

98-5 L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Marion County facility.

98-6 L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Marion County facility.

98-7 Mobil Oil Corporation v. IEPA - *See Final Actions*

98-8 Ensign-Bickford Company v. IEPA - *See Final Actions*

98-9 Edward Malina v. Emro Marketing Company and Marathon Oil Company - The Board held this citizen's UST enforcement action against a Cook County facility for a duplicitous and frivolous determination.

98-12 Commonwealth Edison Company (Zion Power Station) v. IEPA - *See Final Actions*

98-13 Fox Waterway Agency v. IEPA - *See Final Actions*

98-14 City of Salem, City of Freeport, and Knox County v. IEPA - The Board held for IEPA recommendation this petition for land variance involving a Knox County facility.

AC 97-71 County of Will v. Michael O'Grady - The Board received an administrative citation against this Will County respondent.

AC 98-1 County of Will v. Edward Fogarty - The Board received an administrative citation against this Will County respondent.

AS 98-1 In the Matter of: Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - The Board held for IEPA recommendation this petition for an adjusted standard from certain requirements on behalf of a LaSalle County facility.

R98-1 Exemptions from Definitions of VOM, USEPA Amendments (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period January 1 through June 30, 1997.

R98-2 SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1 through June 30, 1997.

R98-3 UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1 through June 30, 1997.

R98-4 RCRA Subtitle D Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1 through June 30, 1997.

R98-5 RCRA Subtitle C Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1997 through June 30, 1997.

R98-6 UST Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1 through June 30, 1997.

R98-7 Wastewater Pretreatment Update, USEPA (January 1, 1997 through June 30, 1997) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1 through June 30, 1997.

R98-8 Clean Fuel Fleet Program: Amendments to 35 Ill. Adm. Code 241 - The Board accepted for hearing the IEPA proposal to amend the Board's air pollution control regulations. - ***See Rulemaking Update***

NEW CASES 7/24/97

98-15 Consolidation Coal Co. v. IEPA - The Board accepted for hearing this appeal of a land permit on behalf of a Jefferson County facility.

98-16 Evergreen Plaza Associates v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

98-17 People of the State of Illinois v. Scrap Tire Recycling Center, Inc. f/k/a Russell Foundry, Thomas Ratkovic, an individual, and Leon Benish, an individual - The Board received for hearing this land enforcement action against a Lake County facility.

98-18 James R. and Lucille J. Metz v. United States Postal Service - The Board held this citizens' noise enforcement action against a Sangamon County facility for a duplicitous and frivolous determination.

98-19 Chicago Sun-Times v. IEPA - The Board accepted this request for a 90-day extension of time to file an air permit appeal on behalf of a Cook County facility.

98-20 Commonwealth Edison Co. (Dresden Power Station) v. IEPA - ***See Final Actions***

AC 98-2 IEPA v. Frank Olson - The Board received an administrative citation against this Henderson County respondent.

AC 98-3 County of Will v. Sherry Fetcho - The Board received an administrative citation against this Will County respondent.

CALENDAR OF HEARINGS

AUGUST 1997

Monday	Tuesday	Wednesday	Thursday	Friday
				1)
4)	5) R97-31 15% ROP Plan: Wood Furniture Coating Amend- ments, 1:00 p.m., Madison County Adm. Bldg. Room 203, 157 North Main St., Edwardsville HO: Lozuk-Lawless	6)	7)	8)
11)	12)	13) R97-31 15% ROP Plan: Wood Furniture Coating Amend- ments, 1:00 p.m., JRTC, Room 9-031, Chicago HO: Lozuk-Lawless	14)	15)
18)	19) R97-13, Emissions Reduction Market System, 10:00 a.m., JRTC, Room 9-040, Chicago HO: Feinen	20) R97-13, Emissions Reduction Market System, 10:00 a.m., Holiday Inn Mart, Marquette Room, 16 th Floor, 350 N. Orleans Street, Chicago HO: Feinen	21)	22)
25)	26) AS 97-2, Petition of Chemetco, Inc., 10:00 a.m., State Regional Office Bldg., IDOT Class Room, 1100 E. Port Plaza Dr., Collinsville, HO: Wallace	27) R97-8, Clean Fuel Fleet Program, 10:00 a.m., JRTC, Ste. 11-500, 100 W. Randolph, Chicago., HO: Felton	28) PCB 97-233, Citizens Opposed to Additional Landfills, 9:30 a.m., DuQuoin City Hall, 28 S. Washington St., Du Quoin HO: Wallace	29)

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 June 30, 1997.

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>
Astoria-Washington and Lincoln St. Overflow; Adams & State St. Overflow	Town of Astoria	Fulton	0
Athens STP	City of Athens	Menard	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
Candlewick Lake STP	Consumer Ill. Water Co.	Boone	0
Chester STP**	City of Chester	Randolph	0
Clearview S.D.	Clearview S.D.	McLean	0
Clinton Wastewater Collection System**	City of Clinton	DeWitt	0
East Alton STP	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection System**	City of Hurst	Williamson	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Port Byron STP	Village of Port Byron	Rock Island	0
Riverton (Sewer System -Partial)	Village of Riverton	Sangamon	0
Rosewood Heights S.D. - Ninth Street LS	Rosewood Heights S.D.	Madison	0
Round Lk Beach - Oaktree Subd. Pump Station	America Today, Inc.	Lake	0
South Palos Twp. S.D.	South Palos Twp.	South Palos Twp.	0
Sullivan Lake Development STP	Lake Development	Lake	0
Taylorville-Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Virden (Sewer System - Partial)	Virden S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP*	City of Watseka	Iroquois	0
Wauconda STP**	Village of Wauconda	Lake	0

Deletions from previous Quarterly Report: Chapin (N & S Main Terminal LS)

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 June 30, 1997.

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>	<u>PE ADDED SINCE LAST LIST</u>
Beardstown S.D.	City of Beardstown	Cass	1,828	0
Benton- Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	630	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities C. of Ill Derby Meadows Utility Co STP	Citizens Utilites C. of Ill	Will	0	0
Citizens Utilities C. of Ill River Grange	Citizens Utilites C. of Ill	Will	10	0
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	7,273	48
Earlville	City of Earlville	LaSalle	201	0
East Dundee STP	Village of E. Dundee	Kane	933	0
Elkville	Village of Elkville	Jackson	6	0
Findlay	Village of Findlay	Shelby	60	0
Herscher	Village of Herscher	Kankakee	300	0
Highland STP	City of Highland	Madison	312	0
Hoopeston	City of Hoopeston`	Vermilion	0	0
CLPWD-Deerfield Rd Interceptor.	County of Lake Public Works Department	Lake	***	0
CLPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	248	0
Lake Barrington Home Owners Assn. STP	LBHOA	Lake	80	0
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	407
McHenry - South STP & Green Street LS	City of McHenry	McHenry	To Be Determined	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Mundelein STP	Village of Mundelein	Lake	0	277
O'Fallon	City of O'Fallon	St. Clair	1,550	115
Paris STP	City of Paris	Edgar	1,906	3
Rock Island (Main)	City of Rock Island	Rock Island	4,896	0
Round Lake-Rosewood Sewage ing Sta.	Village of Round Lake	Lake	97	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletions from previous Quarterly Report: Herrin

***Contact IEPA - Permit Section