
Environmental Register

January 2000 - Number 547

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

Claire A. Manning, Chairman

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Letter From the Chairman

It is a pleasure to talk with you again, and to update you on several interesting administrative changes at the Board.

First, the Board is fully participating in Governor Ryan's Illinois Environmental Regulatory Review Commission (IERRC), which he announced this past December. As Chairman of the Board, the Governor has appointed me as a member of the IERRC. Further, the Board's Executive Coordinator Sandy Wiley has been asked to act as the IERRC's administrative coordinator on a part-time basis. In announcing the creation of the new commission, Governor Ryan explained the Commission's purpose as a tool that would "make the [Environmental Protection Act] more effective, understandable and useful. The expertise of the Commission members will help me achieve my goal of making environmental regulations easier to understand and enforce." The Commission will be chaired by former Board member Ted Meyer.



Second, the Board is participating with Governor Ryan's newly created Office of Performance Review. Each state agency, including the Board, has been asked to develop performance measures in each of our service areas. The Board has designated three general service areas: adjudicatory cases; regulatory matters; and constituent services. We are in the process of developing internal performance measures in each of these areas. As an example, one of the performance measures is that the Board will make a decision in all adjudicatory matters within 90 days of the close of the record. This new performance goal will make the Board even more efficient in processing and deciding all of its cases.

Third, in an ever continuing effort to provide greater service and efficiency, the Board has made several changes in staff responsibilities. Richard McGill, formerly the Attorney Assistant to Board Member Kathleen Hennessey, has assumed the newly created Board position of Senior Attorney for Research and Writing. Richard's new job responsibilities will include the training of staff and providing research and writing assistance to the Board. John Knittle has assumed the position of Chief Hearing Officer. In addition to handling Board hearings, John is now generally responsible for all administrative matters related to the Board's hearing program and processes. Both Richard and John will report to Senior Attorney Kathleen Crowley.

Fourth, the Board is beginning its search for an Environmental Scientist I. For more information about the position please see the article on page one of this *Environmental Register*.

Finally, there has been a resignation at the Board. Karen Kavanagh Mack recently left the Board to take a position at Deutch, Levy & Engle. Karen had been with the Board since 1998 and will be greatly missed as

a Staff Attorney, Hearing Officer, and colleague. On behalf of the entire Board, I would like to thank Karen for her hard work and wish her the best of luck.

As always I would like to thank everyone for their participation and welcome any suggestions you may have. If you have comments please do not hesitate to contact us. You can reach our Public Information Officer Cameron Kline by telephone (217/524-8510), send us an e-mail from our website (www.ipcb.state.il.us), or use the comment card at the end of the *Environmental Register*.

Yours,



Claire Manning, Chairman
Illinois Pollution Control Board

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Board Update - Position Vacancy

The Illinois Pollution Control Board is conducting a search for an Environmental Scientist with an advanced degree in environmental science or engineering to work in the Board's Chicago and/or Springfield office. The ideal candidate must have a minimum of three years of experience in the field of pollution control with a Bachelor's degree in a related field. Candidates must have extensive knowledge of environmental control systems and scientific/technical issues pertaining to water and wastewater treatment, solid/hazardous waste management, air pollution control, and groundwater remediation. Candidates need the ability to evaluate and interpret complex scientific/technical environmental studies, and have a working knowledge of State and Federal environmental laws and regulations. Salary commensurate with experience. Send resumes to IPCB, Attn: Human Resources, 600 S. 2nd, Suite 402, Springfield, IL 62704. Equal Opportunity Employer. For further information, please contact Anand Rao by phone 312/814-3956 or by email (raoa@ipcb.state.il.us).

Federal Update

United States Environmental Protection Agency Promulgates Significant New Use Rules Under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 40 Chemical Substances

On January 5, 2000, the United States Environmental Protection Agency (USEPA) promulgated significant new use rules (SNURs) under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) (15 U.S.C. § 2604(a)(2) (1996)) for 40 chemical substances which were the subject of premanufacture notices and subject to TSCA Section 5(e) consent orders issued by the USEPA. 65 Fed. Reg. 354 (January 5, 2000).

The final SNURs require persons who intend to manufacture, import, or process any of the 40 chemical substances for a significant new use to notify the USEPA at least 90 days before beginning to do so. The required notice will provide the USEPA with the opportunity to evaluate the intended use, and if necessary, to prohibit or limit that activity before it occurs to prevent any unreasonable risk of injury to human health or the environment. The USEPA promulgated this SNUR using direct final procedures.

The effective date of this rule is March 6, 2000, without further notice, unless the USEPA received adverse comment or notice of intent to submit adverse comment before February 4, 2000. For general information contact: Joe Carra at 202/554-1404; e-mail: TSCA-Hotline@epa.gov. For technical information contact: James Alwood at 202/260-1857; e-mail: alwood.jim@epa.gov

United States Environmental Protection Agency Adopts Rule to Extend the Stay of Action on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

On January 13, 2000, the United States Environmental Protection Agency (USEPA) adopted a final rule to extend until February 17, 2000, the temporary stay of the effective date of the May 25, 1999 final rule regarding petitions filed under Section 126 of the Clean Air Act (CAA) (42 U.S.C. § 7426 (1996)). 65 Fed. Reg. 2039 (January 13, 2000). This action to extend the temporary stay will prevent the Section 126 findings from being triggered automatically under the mechanism the USEPA established in the May 25, 1999 rule. The USEPA revised the May 25, 1999 rule in a final rule signed on December 17, 1999. The January 13, 2000 final rule extends the stay of the effective date of the May 25, 1999 rule until February 17, 2000.

The final rule became effective January 10, 2000. For further information contact: Carla Oldham at 919/541-3347; e-mail: oldham.carla@epa.gov

United States Environmental Protection Agency Adopts Amendments for Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category

On January 19, 2000, the United States Environmental Protection Agency (USEPA) adopted amendments to develop Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) national effluent limitations guidelines and pretreatment standards for wastewater discharges from certain landfills. 65 Fed. Reg. 3007 (January 19, 2000). The final regulation establishes technology-based effluent limitations for wastewater discharges associated with the operation and maintenance of new and existing hazardous and non-hazardous landfill facilities regulated, respectively, under Subtitle C and Subtitle D of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)). Sources of landfill wastewater include, but are not limited to, landfill leachate and gas collection condensate. The final rule does not establish pretreatment standards for the introduction of pollutants into Publicly Owned Treatment Works from the operation of new and existing landfills regulated under Subtitle C or D of RCRA.

The rule does not apply to wastewater discharges from “captive” landfills, those landfills associated with other industrial or commercial activities, in most circumstances. For example, it does not apply to captive landfills that only receive wastes generated by the industrial operation directly associated with the landfill. In addition, the rule does not apply to captive landfills that receive wastes generated by the industrial operation directly associated with the landfill as well as other wastes, so long as the other wastes are similar in nature to the wastes generated by the industrial operation. Further, the

regulation does not apply to wastewater discharges associated with treatment of contaminated groundwater from hazardous and non-hazardous landfills.

The final effluent limitations guidelines are expected to benefit the environment by removing 900,000 pounds of pollutants per year at an estimated annualized cost of \$7.6 million.

The regulations become effective February 18, 2000. For further technical information contact: Michael C. Ebner at 202/260-5397; e-mail: ebner.michael@epa.gov. For additional economic information contact: William Anderson at 202/260-5131; e-mail: anderson.william@epa.gov

United States Environmental Protection Agency Promulgates Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category

On January 27, 2000, the United States Environmental Protection Agency (USEPA) adopted amendments to develop Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) effluent limitations guidelines and standards for wastewater discharges from the commercial hazardous waste combustor (CHWC) segment of the waste combustion industry. 65 Fed. Reg. 4360 (January 27, 2000). This rule generally applies to hazardous waste combustion facilities, except cement kilns, regulated as “incinerators” or “boilers and industrial furnaces” under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)).

This regulation limits the discharge of pollutants into navigable waters of the United States and the introduction of pollutants into publicly-owned treatment works (POTWs) by existing and new stand-alone CHWCs that incinerate waste received from offsite. The USEPA estimates that compliance with this final regulation will reduce the discharge of pollutants by at least 170,000 pounds per year at an estimated annualized cost of \$2 million. The USEPA predicts that the rule will improve water quality for both aquatic life and human health in five streams. The USEPA also projects that the rule will reduce sewage sludge contamination associated with discharges from CHWC facilities at POTWs.

The regulations become effective February 28, 2000. For additional technical information contact: Samantha Lewis at 202/260-7149; e-mail: Lewis.Samantha@epa.gov. For additional economic information contact: William Anderson at 202/260-5131; e-mail: Anderson.William@epa.gov

Rule Update

Board Adopts Amendments in Identical-in-Substance Rulemaking in In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-7

On January 20, 2000, the Board adopted amendments that are “identical-in-substance” to the federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA). The regulations implement Sections 307(b), (c), and (d) and 402(b)(8) and (9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(8), (9) (1996)). The amendments include amendments that the USEPA adopted during the period from January 1, 1999 to June 30, 1999. The USEPA took three actions during this period that necessitated Board action (See 64 Fed. Reg. 4975 (February 2, 1999); 64 Fed. Reg. 26315 (May 14, 1999); 64 Fed. Reg. 30417 (June 8, 1999)).

The amendments include minor revisions to methods available for use in testing for the purposes of compliance with the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) and the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)). The amendments are found at 35 Ill. Adm. Code 310.107.

Section 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/13.3 (1998)) provides for quick adoption of regulations that are “identical-in-substance” to federal wastewater pretreatment regulations adopted by the USEPA pursuant to

Sections 307(b), (c), and (d) and 402(b)(8) and (9) of FWPCA (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(8), (9) (1996)). Section 13.3 of the Act also provides that Title VII of the Act and Sections 5-35 and 5-75 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-75 (1998)) do not apply to this rulemaking. Therefore, the amendments were not subject to first or second-notice review by the Joint Committee on Administrative Rules.

On November 4, 1999, the Board adopted the proposed amendments for public comment and publication in the *Illinois Register* (23 Ill. Reg. 13991 (November 29, 1999)). No comments were filed with the Board during the 45-day public comment period. With the exception of minor editorial corrections, no changes were made to the final text of the amendments.

Questions regarding this rulemaking may be directed to Steven C. Langhoff at 217/782-2615; e-mail: langhofs@ipcb.state.il.us

Board Adopts Proposal for Public Comment in In the Matter of: Vehicle Scrappage Activities, 35 Ill. Adm. Code 207, R00-16

On January 6, 2000, the Illinois Environmental Protection Agency (IEPA) proposed the addition of a new Part 207 to the Board's air regulations. The IEPA filed the rulemaking proposal pursuant to Section 13B-30(d) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law) (625 ILCS 5/13B-30(d) (1998)), which requires the IEPA to propose procedures, practices, and performance requirements for the operation of vehicle scrappage programs by persons who want to receive credits for certain emissions reductions. IEPA explains that vehicle scrappage activities can reduce emissions by removing older, higher emitting vehicles from service before the vehicle's natural retirement date. The IEPA emphasizes that participation under the proposed rule is voluntary for both those engaging in vehicle scrappage activities and owners of vehicles eligible for early retirement.

On January 20, 2000, the Board accepted the proposal for hearing. Because Section 13B-30(d) of the Vehicle Emissions Law requires the Board to adopt rules within 180 days after it receives the proposal, the Board, without commenting on the merits of the proposal, directed that the proposal be published in the *Illinois Register* as a proposal for public comment.

The Board will hold at least two public hearings in this matter. The first hearing is on March 1, 2000 at 10:00 a.m. in Room 403, 600 S. Second St., Springfield, Illinois. The second hearing will be held on March 24, 2000 at 10:00 a.m. in Room 9-040, 100 W. Randolph St., James R. Thompson Center, Chicago, Illinois. The Board also is accepting public comments.

Section 13B-30(d) of the Vehicle Emissions Law states in part that Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (1998)) and the rulemaking provisions of the Administrative Procedure Act (APA) (5 ILCS 100/1-1 *et seq.* (1998)) do not apply to rules adopted by the Board under Section 13B-30(d). 625 ILCS 5/13B-30(d) (1998). Therefore, the Board will not request that the Department of Commerce and Community Affairs conduct an economic impact study of the proposed rule pursuant to Section 27(b) of the Act. Nor will the Board submit the proposal for first or second-notice pursuant to Section 5-40 of the APA. The Board will, however, hold public hearings and accept public comments as noted above.

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

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of December 31, 1999.

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>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities - Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
Clinton Wastewater Collection System	City of Clinton	DeWitt	0
East Alton STP	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hinckley STP	Village of Hinckley	DeKalb	0
Hurst & Blairville Collection System	City of Hurst	Williamson	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D. - Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. S.D.	South Palos Twp.	South Palos Twp.	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 (Rolling Meadows)	City of Washington	Tazewell	0
Wauconda - Lakeview LS & Larksdale LS	Village of Wauconda	Lakes	0

Deletions from previous Quarterly Report:

Washington (Devonshire Estates)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of December 31, 1999.

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>
Athens STP	City of Athens	Menard	194	0
Beardstown S.D.	City of Beardstown	Cass	1,769	18
Benton- Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	110	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester STP	City of Chester	Randolph	485	0
Citizens Utilities 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	2,312	4
Downers Grove S.D.	Downers Grove S.D.	DuPage	5,208	4
Earlville	City of Earlville	LaSalle	127	0

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East Dundee STP	Village of E. Dundee	Kane	689	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities	Utilities, Inc.	Will	70	0
Herscher	Village of Herscher	Kankakee	300	0
Hoopeston	City of Hoopeston`	Vermilion	0	0
LCPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	LBHOA	Lake	80	0
Lindenhurst S.D.	Village of Lindenhurst	Lake	1,312	158
McHenry - South STP & Green Street LS	City of McHenry	McHenry	To Be Determined	23 0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris	City of Morris	Grundy	105	0
Mundelein STP	Village of Mundelein	Lake	0	34
Paris STP	City of Paris	Edgar	1,771	95
Plainfield STP**	Village of Plainfield	Will	2,100	0
Rock Island (Main)	City of Rock Island	Rock Island	4,871	0
Sandwich**	City of Sandwich	DeKalb/Kendall	788	0
Thompsonville STP	Village of Thompsonville	Franklin	0	49
Wauconda - Remaining Collection System	Village of Wauconda	Lake	***	315

Deletions from previous Quarterly Report:

LCPWD-Deerfield Road Interceptor

***Contact IEPA - Permit Section

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Board Actions

January 6, 2000
Chicago, Illinois

Administrative Citations

AC 00-27 IEPA v. John Simpson - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cumberland County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (1998)) and ordered respondent to pay a civil penalty of \$500. The Board also granted complainant's motion to dismiss the alleged violation of Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7)(i) (1998), as amended by Pub. Act 91-72, eff. July 9, 1999), prohibiting open dumping of general construction or demolition debris. **Vote 6-0**

AC 00-33 County of Sangamon v. American Tree Service, Roy F. Throop - The Board accepted for hearing this petition for review of an administrative citation against these Sangamon County respondents. **Vote 5-0 Kezelis abstained**

AC 00-36 IEPA v. David Swearingen - The Board found that this Moultrie County respondent violated Sections 21(p)(1) and 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(1), 21(p)(7)(i) (1998)), and ordered respondent to pay a civil penalty of \$1,000. **Vote 6-0**

AC 00-56 IEPA v. Tom Zang - The Board accepted for hearing this petition for review of an administrative citation against this Cumberland County respondent. **Vote 6-0**

Adjudicatory Cases

Decisions

PCB 96-111 People of the State of Illinois v. John Chalmers, individually and d/b/a John Chalmers Hog Farm - The Board found that this respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$5,750 in this water enforcement action concerning a facility located in Menard County. **Vote 6-0 Kezelis and Manning concurred**

PCB 97-50 Lionel Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois - The Board found no violations of the Environmental Protection Act or the Board's regulations in this citizens' air and land enforcement action involving the demolition of a Cook County facility. **Vote 6-0**

PCB 99-109 People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this air enforcement action concerning a facility located in Hardin County, Illinois, ordered respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations. **Vote 6-0**

Provisional Variance

PCB 00-112 Plexus Scientific Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning without a permit. **Vote 6-0**

Motions and Other Matters

PCB 89-178 Olin Corporation v. IEPA - The Board granted the parties' joint motion for voluntary dismissal of this permit appeal involving a Madison County facility. **Vote 6-0**

PCB 94-373 People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc. - The Board granted in part and denied in part respondent's motion for a stay of the Board's May 6, 1999 order. **Vote 5-1 Kezelis dissented**

PCB 96-132 People of the State of Illinois v. Northern Railroad Company, Beazer East and Koppers Industries, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action against a Knox County facility, the Board ordered publication of the required newspaper notice. **Vote 6-0**

PCB 97-23 City of Lockport v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Will County facility. **Vote 6-0**

PCB 97-217 People of the State of Illinois v. Bigelow Group, Inc. - 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 Lake County facility, the Board ordered publication of the required newspaper notice. **Vote 6-0**

PCB 98-37 People of the State of Illinois v. American Waste Processing, LTD - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote 6-0**

PCB 99-42 International Environmental Consultants, Inc., and Memorial Park District v. IEPA - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **Vote 6-0**

PCB 99-165 Formel Industries, Inc v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Cook County facility. **Vote 6-0**

PCB 99-167 Vonco Products, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Lake County facility. **Vote 6-0**

PCB 99-170 Bema Film Systems, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a DuPage County facility. **Vote 6-0**

PCB 00-53, PCB 00-54 The C.P. Hall Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of the request for a variance in PCB 00-53 involving a Cook County facility. **Vote 6-0**

PCB 00-60 Sullivan Community Unit School District #300 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 Moultrie County facility. **Vote 6-0**

PCB 00-69 CAM, L.L.C. v. Office of the Illinois State Fire Marshal - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility. **Vote 6-0**

PCB 00-71 Robert Cheek 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 Pulaski County facility. **Vote 6-0**

PCB 00-74 Wayne Foster v. IEPA - The Board granted motion for corrected caption to show Freeburg Investors Groups as petitioner instead of Wayne Foster. The Board also accepted for hearing this underground storage tank appeal involving a St. Clair County facility. **Vote 6-0**

PCB 00-77 Susan Carson 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 Kane County facility. **Vote 6-0**

PCB 00-90 Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizens' noise enforcement action involving a Randolph County facility for hearing. **Vote 6-0**

PCB 00-92 Colony of Longmeadow HOA v. Dominick's (Mundelein Facility) - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizens' noise enforcement action involving a Lake County facility for hearing. The complainant was ordered to file an amended complaint with the Clerk of the Board by February 5, 2000. **Vote 6-0**

PCB 00-102 People of the State of Illinois v. Babson Brothers Company - The Board accepted for hearing this land enforcement action against this Kane County facility. **Vote 6-0**

PCB 00-103 People of the State of Illinois v. Mano Negra Wrecking Corporation, previously known as Mano Negra Corporation, and Fernando O. Zamora, individually and as president of Mano Negra Wrecking Corporation - The Board accepted for hearing this air enforcement action involving two facilities located in Cook County. **Vote 6-0**

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc. - The Board accepted for hearing this air enforcement action against this Knox County facility. **Vote 6-0**

PCB 00-105 People of the State of Illinois v. Britt Industries, 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 Cook County facility, the Board ordered publication of the required newspaper notice. **Vote 6-0**

PCB 00-106 Village of Downers Grove v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility. **Vote 6-0.**

PCB 00-107 The Dow Chemical Company (Joliet Plant) v. IEPA - The Board granted this request for a 90-day extension of time to file a Resource Conservation and Recovery Act permit appeal on behalf of this Will County facility. **Vote 6-0**

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PCB 00-108 People of the State of Illinois v. E & E Hauling, Inc. and BFI Waste Systems of North America - The Board accepted for hearing this air enforcement action against this DuPage County facility. **Vote 6-0**

PCB 00-109 People of the State of Illinois v. Arturo Rivero, d/b/a Swiss Cleaners - The Board accepted for hearing this air enforcement action against this Cook County facility. **Vote 6-0**

PCB 00-110 People of the State of Illinois v. Joe Decicco Demolition, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility. **Vote 6-0**

PCB 00-111 People of the State of Illinois v. R. Freitsch Company, Inc. - The Board accepted for hearing this air enforcement action against this Peoria County facility. **Vote 6-0**

January 20, 2000
Chicago, Illinois

Rulemakings

R00-7 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board's wastewater pretreatment regulations. **Vote 6-0**

R00-16 In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207 - The Board accepted the Illinois Environmental Protection Agency's January 6, 2000 proposal to amend the Board's air pollution control regulations, granted the motion to waive the requirement, and adopted a proposal for public comment, noting that the rules must be adopted 180 days from the filing of the proposal. **Vote 6-0**

Administrative Citations

AC 00-33 County of Sangamon v. American Tree Service, Roy F. Throop - The Board on its motion vacated its January 6, 2000 order accepting this matter for hearing, and dismissed the petition for review as untimely filed. The Board then found that these Sangamon County respondents violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (1998)), and ordered respondents to pay a civil penalty of \$500. **Vote 5-0 Kezelis abstained**

AC 00-52 Will County v. Plum Valley Nursery and Tim Van Baren - The Board found that these Will County respondents violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondents to pay a civil penalty of \$1,000. **Vote 6-0**

AC 00-62 Wayne County Health Department v. John Heem - The Board granted complainant's second motion to amend and accepted this administrative citation against this Wayne County respondent. **Vote 6-0**

Adjudicatory Cases

Decisions

PCB 00-98 People of the State of Illinois v. City of Joliet, Illinois - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this public water supply enforcement action concerning a facility located in Will County, Illinois, ordering respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. **Vote 6-0**

PCB 99-31 Cass County Service Company v. IEPA - The Board certified that the petitioner's steel building is a "pollution control facility" under the Property Tax Code (35 ILCS 200/11-10 (1998)), and directed the Illinois Environmental Protection Agency to timely provide any additional documentation of the tax certification that the Department of Revenue may require. **Vote 6-0**

Provisional Variances

PCB 00-121 Department of the Air Force v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 27-day provisional variance to this St. Clair County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote 6-0**

PCB 00-123 Berlin Industries v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a four-day provisional variance, subject to conditions, from the requirements to use an afterburner to reduce 90% of volatile organic material emissions and to use an afterburner at all times when operating a printing line. These requirements are set forth in 35 Ill. Adm. Code 218.407(a)(1)(C) and 218.407(a)(1)(E) and conditions 7.1.3(f)(i)(C) and 7.1.3(f)(i)(E) of petitioner's Clean Air Act Permit Program permit. **Vote 6-0**

Motions and Other Matters

PCB 97-180 Atkinson Landfill Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Henry County facility. **Vote 6-0**

PCB 99-109 People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company - The Board granted the parties' request to amend the Board order of January 6, 2000 to allow payment of the penalty within 60 days. **Vote 6-0**

PCB 99-111 People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm - 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 Tazewell County facility, the Board ordered publication of the required newspaper notice. **Vote 6-0**

PCB 00-75 Delta Sonic Car Wash Systems, Inc. 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 DuPage County facility. **Vote 6-0**

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PCB 00-76 State Street Shell v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility. The Board also granted petitioner's motion for corrected caption to show East Side Acquisitions, Inc. as petitioner instead of State Street Shell. **Vote 6-0**

PCB 00-81 Northwestern University 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 Cook County facility. **Vote 6-0**

PCB 00-82 Jersey Sanitation Corporation v. IEPA - The Board accepted for hearing this permit appeal involving a Jersey County facility. **Vote 6-0**

PCB 00-83 Kathe's Auto Service Center, Inc. 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 Cook County facility. **Vote 6-0**

PCB 00-84 Graham Oil Company 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 McHenry County facility. **Vote 6-0**

PCB 00-85 Libertyville Lumber Company 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. **Vote 6-0**

PCB 00-87 E.G. Vogt Oil Company, Inc. 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 St. Clair County facility. **Vote 6-0**

PCB 00-113 People of the State of Illinois v. Illinois-American Water Company - The Board accepted for hearing this public water supply enforcement action against this Peoria County facility. **Vote 6-0**

PCB 00-114 Three County Public Water District v. IEPA - The Board entered an order directing petitioner to file an amended petition within 45 days in this request for a public water supply variance on behalf of a Macoupin County facility. **Vote 6-0**

PCB 00-115 People of the State of Illinois v. Yetter Manufacturing Company, Inc. - The Board accepted for hearing this air enforcement action against this Madison County facility. **Vote 6-0**

PCB 00-116 Fox River Water Reclamation District v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility. **Vote 6-0**

PCB 00-117 Ophelia Niemann, formerly d/b/a Barney's Garage, Inc. v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility. **Vote 6-0**

PCB 00-118 Community Landfill Company and City of Morris v. IEPA - The Board accepted for hearing this permit appeal involving a Grundy County facility. **Vote 6-0**

PCB 00-122 People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., Gordon & Price, Inc., David Guillaum, d/b/a D&G Construction, and Wayne Lappington, d/b/a Lappington Trucking and Excavating - The Board accepted for hearing this public water supply enforcement action against this Lawrence County facility. **Vote 6-0**

New Cases

January 6, 2000 Board Meeting

00-102 People of the State of Illinois v. Babson Brothers Company - The Board accepted for hearing this land enforcement action against this Kane County facility.

00-103 People of the State of Illinois v. Mano Negra Wrecking Corporation, previously known as Mano Negra Corporation, and Fernando O. Zamora, individually and as president of Mano Negra Wrecking Corporation - The Board accepted for hearing this air enforcement action involving two facilities located in Cook County.

00-104 People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc. - The Board accepted for hearing this air enforcement action against this Knox County facility.

00-105 People of the State of Illinois v. Britt Industries, 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 Cook County facility, the Board ordered publication of the required newspaper notice.

00-106 Village of Downers Grove v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

00-107 The Dow Chemical Company (Joliet Plant) v. IEPA - The Board granted this request for a 90-day extension of time to file a Resource Conservation and Recovery Act permit appeal on behalf of this Will County facility.

00-108 People of the State of Illinois v. E & E Hauling, Inc. and BFI Waste Systems of North America - The Board accepted for hearing this air enforcement action against this DuPage County facility.

00-109 People of the State of Illinois v. Arturo Rivero, d/b/a Swiss Cleaners - The Board accepted for hearing this air enforcement action against this Cook County facility.

00-110 People of the State of Illinois v. Joe Decicco Demolition, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

00-111 People of the State of Illinois v. R. Freitsch Company, Inc. - The Board accepted for hearing this air enforcement action against this Peoria County facility.

00-112 Plexus Scientific Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning without a permit.

R00-9 In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-10 In the Matter of: SDWA Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-11 In the Matter of: UIC Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-12 In the Matter of: RCRA Subtitle D Municipal Solid Waste Landfill Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-13 In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-14 In the Matter of: UST Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

R00-15 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999 through December 31, 1999.

AS 00-8 In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Lake County facility.

AS 00-9 In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a DuPage County facility.

AS 00-10 In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Cook County facility.

AC 00-59 County of Will v. James and Joan Haggard - The Board accepted an administrative citation against these Will County respondents.

AC 00-60 IEPA v. Knox County, Illinois, Knox County Landfill #3, and Thomas D. Wagher - The Board accepted an administrative citation against these Knox County respondents.

AC 00-61 IEPA v. Don Myers - The Board accepted an administrative citation against this Union County respondent.

AC 00-62 Wayne County Health Department v. John Heem - No action taken.

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00-113 People of the State of Illinois v. Illinois-American Water Company - The Board accepted for hearing this public water supply enforcement action against this Peoria County facility.

00-114 Three County Public Water District v. IEPA - The Board entered an order directing petitioner to file an amended petition within 45 days in this request for a public water supply variance on behalf of a Macoupin County facility.

00-115 People of the State of Illinois v. Yetter Manufacturing Company, Inc. - The Board accepted for hearing this air enforcement action against this Madison County facility.

00-116 Fox River Water Reclamation District v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility.

00-117 Ophelia Niemann, formerly d/b/a Barney's Garage, Inc. v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.

00-118 Community Landfill Company and City of Morris v. IEPA - The Board accepted for hearing this permit appeal involving a Grundy County facility.

00-119 Wholesale Oil Company (Laflin) v. IEPA - No action taken.

00-120 Wholesale Oil Company v. IEPA - No action taken.

00-121 Department of the Air Force v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 27-day provisional variance to this St. Clair County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

00-122 People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., Gordon & Price, Inc., David Guillaum, d/b/a D&G Construction, and Wayne Lappington, d/b/a Lappington Trucking and Excavating - The Board accepted for hearing this public water supply enforcement action against this Lawrence County facility.

00-123 Berlin Industries v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a four-day provisional variance, subject to conditions, from the requirements to use an afterburner to reduce 90% of volatile organic material emissions and to use an afterburner at all times when operating a printing line. These requirements are set forth in 35 Ill. Adm. Code 218.407(a)(1)(C) and 218.407(a)(1)(E) and conditions 7.1.3(f)(i)(C) and 7.1.3(f)(i)(E) of petitioner's Clean Air Act Permit Program permit.

R00-16 In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207 - The Board accepted the Illinois Environmental Protection Agency's January 6, 2000 proposal to amend the Board's air pollution control regulations, granted the motion to waive the requirement, and adopted a proposal for public comment, noting that the rules must be adopted 180-days from the filing of the proposal.

AC 00-63 County of Vermilion v. Illinois Landfills, Inc. - The Board accepted an administrative citation against this Vermilion County respondent.

Calendar

2/16/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL
2/17/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL
2/18/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL

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2/23/2000 10:30 am	PCB 97-226	Riverview FS, Inc. v. IEPA	Zeke Giorgi Center State of Illinois Building 3 rd Floor Conference Room 200 S. Wyman Rockford, IL
3/1/2000 10:00 am	R00-16	Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
3/2/2000 10:30 am		Illinois Pollution Control Board Meeting, Video Conference	James R. Thompson Center 100 W. Randolph Street Suite 9-036 Chicago, IL
3/16/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
3/24/2000 10:00 am	R00-16	Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
4/6/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
4/20/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
5/4/2000 10:30 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
5/18/2000		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 2-025 Chicago, IL
6/8/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
6/22/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL

6/29/2000 9:30 am	PCB 93-191	People of the State of Illinois v. Estate of Lloyd Wiemann and Cheryl Halbrooks; Estate of Lloyd Wiemann Cross-complainant v. Cheryl Halbrooks, Cross-respondent	St. Clair County Building Courtroom 410 10 Public Square Belleville, IL
6/30/2000 9:30 am	PCB 93-191	People of the State of Illinois v. Estate of Lloyd Wiemann and Cheryl Halbrooks; Estate of Lloyd Wiemann Cross-complainant v. Cheryl Halbrooks, Cross-respondent	St. Clair County Building Courtroom 410 10 Public Square Belleville, IL
7/13/2000 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL