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THE *ENVIRONMENTAL REGISTER* IS A NEWSLETTER PUBLISHED BY THE IPCB MONTHLY, AND CONTAINS UPDATES ON RULEMAKINGS, DESCRIPTIONS OF FINAL DECISIONS, THE BOARD'S HEARING CALENDAR, AND OTHER ENVIRONMENTAL LAW INFORMATION OF INTEREST TO THE PEOPLE OF THE STATE OF ILLINOIS.

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RULE UPDATE

Board Adopts Proposal for Public Comment in In the Matter of: Wastewater Pretreatment Update. USEPA Regulations (January 1, 1999, through June 30, 1999), R00-7

On November 4, 1999, the Board adopted a proposal for public comment in In the Matter of: Wastewater Pretreatment Update. USEPA Regulations (January 1, 1999, through June 30, 1999), docketed by the Board as R00-7. The Board proposed these amendments pursuant to Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 13.3 (1998)), which provide for quick adoption of regulations that are identical-in-substance to federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(9) (1996)).

 RULE UPDATE CONTINUED ON PAGE FOUR

BOARD UPDATE

The State and University Employees Combined Appeal (SECA) campaign is a once-a-year worksite fundraising drive that allows State employees the opportunity to contribute to charitable organizations. The SECA campaign supports many service oriented organizations that help to improve our communities. This campaign year of 1999 resulted in the Board making an agency-wide contribution of \$2,448.

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LETTER FROM THE CHAIRMAN

As the Chairman of the Illinois Pollution Control Board I have always tried to improve the Board's link with its constituency. And so it is my pleasure to begin this new feature in the Environmental Register; "A Letter from the Chairman". Each month I will talk about new developments, new initiatives, and the new ways we are addressing your concerns. As always, the Board is here to protect the environment and the citizens of the State of Illinois through good, fair and neutral decision-making regarding environmental issues of concern. We are also here to serve you — by providing whatever assistance might be necessary to guide you through our decision-making process.

One of the Board's best communication tools is its website (<http://www.ipcb.state.il.us>). The Board works very hard to maintain and improve its website so people throughout Illinois can stay current with the Board and research its decisions. It is my pleasure to inform you that all of the Board's opinions and orders from 1990 to the present are now available – and searchable — on the Board's website. The new PDF documents can be easily retrieved by searching for them at any of the website search prompts, but before beginning your search please familiarize yourself with the updated search tips in order to make your search more efficient and effective. In the not-so-distant future, we hope to have a full library of Board decisions available on our site, beginning with the Board's first case in 1970.

The Board's website is maintained by our Public Information Coordinator, Cameron Kline who joined the Board this past August. Prior to coming to the Board, Cameron was a James H. Dunn Fellow in the Governor's press office, worked as an intern at WDWS-AM in Champaign, and had an assistantship with the National Center of Supercomputing Applications at the University of Illinois. Cameron is responsible for working with the Board's constituency, maintaining the Board's media relations, and disseminating information, but he is also here to help you. So, please do not hesitate to contact Cameron if you have a question or suggestion about the Board, our services, or our website.

Also, for those of you who have legislative concerns or questions as we approach our upcoming legislative season, do not hesitate to directly contact the Board's legislative liaison, John Cross. As many of you know, John provides an invaluable service to the Board directly and, indirectly, to the people of the State of Illinois. His knowledge of the State's legislative process and the complex web of legislation regarding Illinois' environment, has been paramount in the Board's ability to provide service to the broad community of interested persons we deal with daily. John can be accessed via the Board's Springfield office.

It has been a pleasure to begin this new feature and I hope to hear from you soon. From this issue on there will be a comment card in the Environmental Register so you can easily relay your comments and questions to the Board.

Yours,



Claire Manning, Chairman
Illinois Pollution Control Board



FEDERAL ACTIONS

United States Environmental Protection Agency Announces Public Meetings Regarding Proposed Rule to Lower the Reporting Thresholds for Lead and Lead Compounds Under the Emergency Planning and Community Right-to-Know Act and the Pollution Prevention Act

On November 15, 1999, the United States Environmental Protection Agency (USEPA) announced that it will hold public meetings to obtain comment on issues relating to the USEPA's August 3, 1999 proposed rule to lower the reporting thresholds for lead and lead compounds which are subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. § 11003 (1986)) and Section 6607 of the Pollution Prevention Act (PPA) of 1990 (42 U.S.C. § 13106 (1990)). 64 Fed. Reg. 61807 (November 15, 1999).

Currently, the reporting thresholds under Section 313 of EPCRA for lead and lead compounds are 25,000 pounds manufactured or processed, or 10,000 pounds otherwise used. The August 3, 1999 proposed rules would lower the threshold for each category to 10 pounds. USEPA anticipates that the proposed rules will significantly increase the number of reports submitted for lead and lead compounds, as well as result in a number of toxic release inventory facilities filing reports for the first time under Section 313 of EPCRA and Section 6607 of the PPA.

A meeting was scheduled for December 2, 1999, in USEPA's Chicago office. For information about the public meetings, contact the Community Right-to-Know Hotline at 800/535-0202.

United States Environmental Protection Agency Adopts Revisions to the List of Categories of Major and Area Sources and Revisions to the Promulgation Schedule for Standards

On November 18, 1999, the United States Environmental Protection Agency (USEPA) published revisions to the list of categories of major and area sources and revisions to the schedule for the promulgation of standards for sources of hazardous air pollutants. 64 Fed. Reg. 63025 (November 18, 1999). Pursuant to Section 112 (c) and (e) of the Clean Air Act (42 U.S.C. § 7412(c), (e) (1990)), the source category list and schedule for standards constitutes a significant part of USEPA's agenda for regulating stationary sources of air toxics emissions. The list and schedule were most recently published in the *Federal Register* on February 12, 1998 (63 Fed. Reg. 7155 (February 12, 1998)). For general descriptions of source categories, refer to the *Federal Register* notice for the first revision of the source category list and schedule (61 Fed. Reg. 28197 (June 4, 1996)).

These amendments are applicable without further rulemaking in Illinois in accordance with Section 9.1(b) of the Environmental Protection Act (415 ILCS 5/9.1(b) (1998)).

For further information about this notice, contact Ms. Maria Noell, Emission Standards Division (MD-13), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711; telephone: 919/541-5607.

United States Environmental Protection Agency Proposes to Retain and Amend the Mixture Rule and the "Derived-From" Rule Supplementing in the Resource Conservation and Recovery Act

On November 19, 1999, the United States Environmental Protection Agency (USEPA) proposed to retain and amend the mixture rule and the "derived-from" rule supplementing the Resource Conservation and Recovery Act (RCRA). 64 Fed. Reg. 63381 (November 19, 1999). The mixture and derived-from rules ensure that hazardous wastes that are mixed with other wastes or that result from the treatment, storage, or disposal of hazardous wastes, do not escape regulation and thereby cause harm to human health and the environment. USEPA is proposing two revisions to the mixture and derived-from rules. These revisions would narrow the scope of these rules, tailoring the rules to more specifically match the risks posed by particular wastes. The first is an exemption for mixtures and/or derivatives of wastes listed solely for the ignitability, corrosivity, and/or reactivity characteristics. The second is a conditional exemption from the mixture and derived-from rules for "mixed wastes," *i.e.*, wastes that are both hazardous and radioactive.

The proposal also contemplates an implementation framework for an exemption from hazardous waste management for wastes that meet chemical-specific exemption levels, also known as the Hazardous Waste Identification Rule (HWIR) exemption. The HWIR exemption would identify a broad set of listed hazardous waste that could be safely managed in nonhazardous waste management units. The current version of the model that could be used to derive the exemption levels is designed to evaluate simultaneous exposures across multiple media and pathways in order to estimate the resulting health and environmental effects. Before using a revised risk assessment to support a final regulatory action, USEPA stated that it would propose the HWIR exemption, thereby providing public notice and the opportunity to comment on the revised risk assessment and resulting exemption levels.

Finally, the proposal discusses the possibility of revising the Land Disposal Regulations by replacing technology-based treatment standards in these RCRA regulations with risk-based treatment standards.

United States Environmental Protection Agency Adopts Proposes Rules for the Storage, Treatment and Disposal of Low-Level Mixed Wastes

On November 19, 1999, the United States Environmental Protection Agency (USEPA) proposed rules to provide flexibility to facilities that manage low-level mixed waste (LLMW) and naturally occurring and/or accelerator-produced radioactive material (NARM) mixed with hazardous waste. 64 Fed. Reg. 63463 (November 19, 1999). The proposed rules reduce dual regulation of LLMW, which is subject to both the Resource Conservation and Recovery Act (RCRA) and to the Atomic Energy Act. USEPA expects that the changes will lower costs and reduce paperwork burdens, while improving or maintaining protection of human health (including worker exposure to radiation) and the environment. USEPA proposes allowing on-site storage and treatment of the LLMW and NARM wastes at the generator's site. The proposed rules will require the use of tanks or containers to solidify, neutralize, or otherwise stabilize the waste and would apply only to generators of low-level mixed waste who are licensed by the Nuclear Regulatory Commission (NRC) or an Agreement State. The USEPA also seeks to exempt LLMW and NARM waste from RCRA manifest, transportation, and disposal requirements when certain conditions are met. Under this conditional exemption, generators and treaters must still comply with manifest, transport, and disposal requirements under the NRC regulations for LLMW or NARM.

United States Environmental Protection Agency Issues National Emission Standards for Hazardous Air Pollutants for Generic Maximum Achievable Control Technology

On November 22, 1999, the United States Environmental Protection Agency (USEPA) proposed amendments to the promulgated rules at 40 C.F.R. 63, Subpart YY, adopted on June 29, 1999 (64 Fed. Reg. 34854 (June 29, 1999)), regarding the regulation of surge control vessels and bottom receiver vessels. 64 Fed. Reg. 63779 (November 22, 1999). This proposal clarifies that surge control vessels and bottom receiver vessels containing wastewater are covered by wastewater provisions.

For further information concerning this proposal, contact Mr. David W. Markwordt, Policy, Planning, and Standards Group, Emission Standards Division (MD-13), USEPA, Research Triangle Park, NC 27711; telephone: 919/541-0837.

If adopted, these amendments are directly applicable without further rulemaking in Illinois in accordance with Section 9.1(b) of the Environmental Protection Act (415 ILCS 5/9.1(b) (1998)).

RULE UPDATE **CONTINUED**

Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (1998)) do not apply to this rulemaking. Accordingly, this rulemaking is not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The proposed rulemaking incorporates certain federal amendments that occurred during the period of January 1, 1999, through June 30, 1999. The federal wastewater pretreatment regulations are found at 40 C.F.R. §§ 400-499. The federal amendments incorporated into this rulemaking are: 64 Fed. Reg. 4975 (February 2, 1999); 64 Fed. Reg. 26315 (May 14, 1999); and 64 Fed. Reg. 30417 (June 8, 1999). On February 2, 1999, the USEPA amended the 40 C.F.R. § 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act (CWA). On May 14, 1999, the USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the CWA and the Resource Conservation and Recovery Act regulations. On June 8, 1999, the USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the CWA. In its proposal for public comment, the Board proposes incorporating these amendments into its rules by updating an incorporation by reference found at 35 Ill. Adm. Code 310.107(b).

Upon publication of the proposed amendments in the *Illinois Register*, a 45-day public comment period will commence. Public comments filed during this time frame should be addressed to the Clerk of the Board.

Please direct any questions regarding this proposal to Steven Langhoff at 217/782-2615; e-mail address: slanghof@pcb084r1.state.il.us

APPELLATE UPDATE

Fourth District Appellate Court Dismisses Appeal of Board Decision in Victor Cory v. Illinois Dismisses Appeal of Board (No. 4-99-0676), PCB 98-171

On November 16, 1999, the Fourth District Appellate Court, in an unpublished order issued pursuant to Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23), dismissed an appeal of the Board's decision in People of the State of Illinois v. Victor Cory (July 22, 1999), PCB 98-171.

In its July 22, 1999 decision, the Board found Victor Cory (Cory) in violation of Sections 12(a) and 12(f) of the Environmental Protection Act (415 ILCS 5/12(a), (f) (1998)) for causing water pollution as a result of the discharge and continued threat of discharge, of livestock waste contaminants into a water of the State without a National Pollution Discharge Elimination System permit. The Board also found Cory in violation of Section 501.404(c) of the Board's rules pertaining to the maintenance of livestock waste lagoons in a manner to ensure adequate storage capacity. 35 Ill. Adm. Code 501.404(c). The Board ordered Cory to close the livestock waste lagoons and to pay a penalty of \$22,000.

Cory appealed the Board's decision to the Fourth District Appellate Court, challenging the amount of the penalty. However, in its petition for review, Cory named only the Board as a party respondent and failed to name the State as a party respondent. As a result, the Attorney General's office, on behalf of the Board, moved to dismiss the petition, arguing that the court lacked jurisdiction due to Cory's failure to name as respondents all parties of record.

On November 16, 1999, the Fourth District Appellate Court granted the Board's motion to dismiss, finding that because Cory failed to name all necessary parties, it lacked jurisdiction to hear this appeal.

Second District Appellate Court Affirms Board Decision in Environmental Protection Agency v. Pollution Control Board and Louis Berkman Company, d/b/a Swenson Spreader Company (No. 2-98-1101), AS 97-5

On November 19, 1999, the Second District Appellate Court, in a published opinion, affirmed the Board's decision in In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company, for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F (May 7, 1998), AS 97-5. This is the first decision to articulate the standard of review to be applied to the Board's decisions in adjusted standard cases.

In its May 7, 1998 opinion, the Board granted The Louis Berkman Company, d/b/a The Swenson Spreader Company (Swenson Spreader) a 10-year adjusted standard with conditions from certain volatile organic material (VOM) control requirements, over the objections of the Illinois Environmental Protection Agency (Agency). Swenson Spreader is an Ogle County manufacturer of snow and ice-control equipment, which is subject to the VOM rules for miscellaneous metal parts found at 35 Ill. Adm. Code 215.204(j)(2). Those rules limit the VOM content of coatings to 3.5 lb/gal.

In an interim opinion and order of December 4, 1997 (see In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company, for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F (December 4, 1997), AS 97-5), the Board found that there were no compliant coatings available to Swenson Spreader, and that installation of the powder coating system recommended by the Agency was not economically reasonable. Among other things, the Board found that the control cost to Swenson Spreader would be \$29,362 per ton, as compared to the \$1,732 per ton cost on which the Board based its adoption of Part 215 (the Reasonably Available Control Technology II rules) from which Swenson Spreader sought relief.

The interim order directed Swenson Spreader to submit a compliance plan to address certain issues outlined in the interim opinion. In the Board's final order of May 7, 1998, the Board granted Swenson Spreader ten years to further study and test compliant coatings, while allowing it to use coatings with a VOM content of 4.75 lb/gal.

Sixty days after Swenson Spreader filed the petition for adjusted standard with the Board, the Agency filed an enforcement action against Swenson Spreader alleging violations of 35 Ill. Adm. Code 215, Subpart F. Swenson Spreader had initially agreed to settle the enforcement matter by installing a powder coating system, which the Agency alleged was conclusive proof that such an installation was economically reasonable.

In its November 19 opinion, the Second District Appellate Court addressed the standard of review applied to Board decisions in adjusted standard proceedings, an issue of first of impression. The appellate court recited that the manifest weight standard applies to quasi-judicial actions of the Board and that the arbitrary and capricious standard applies to quasi-legislative actions of the Board, and concluded that, in reviewing adjusted standards, it would "determine whether the ruling at issue involved an exercise of the Board's technical expertise or an interpretation of a rule or regulation and, consequently, which standard of review applies." Environmental Protection Agency v. Pollution Control Board and Louis Berkman Company, d/b/a Swenson Spreader Company, No. 2-98-1101, slip op. at 11 (November 19, 1999).

The appellate court applied the manifest weight standard, used in quasi-judicial actions, to the Agency's first issue: that Swenson Spreader failed to establish that it was entitled to an adjusted standard because (a) it did not establish that its customers would not accept powder coating products; and (b) it did not demonstrate how long it would take to install and implement a powder coating system. The appellate court was unconvinced by the Agency's arguments that the Board's decision was against the manifest weight of the evidence.

The appellate court determined that the Agency's second issue regarding the interpretation of "economic reasonableness" required the application of the arbitrary and capricious standard because the Board utilized its technical expertise in interpreting applicable regulations. While the appellate court agreed with the Agency that the Board "in theory" should take into consideration the tangible benefits that have been established with some certainty, the court agreed with the Board's finding that many of the benefits cited by the Agency as proof of its position were speculative in nature. The appellate court accordingly found that the Board's decision was not arbitrary and capricious.

With regard to the Agency's final issue that Swenson Spreader did not establish the economic unreasonableness of the powder coating system and that the record as a whole does not support the Board's decision, the appellate court did not specifically state the standard of review which it was applying. The appellate court, however, agreed with the Board's conclusion that Swenson Spreader's offer to install a powder coating system did not make it economically reasonable, and that the record supported the Board's decision.

BOARD ACTIONS

NOVEMBER 4, 1999

SPRINGFIELD, ILLINOIS

RULEMAKING

R00-7 In re Wastewater Pretreatment Update, USEPA Regulations (January 1, 1999, through June 30, 1999) - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations. **Vote 6-0**

ADMINISTRATIVE CITATION

AC 00-16 IEPA v. Olen G. Parkhill, Jr. - The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent. **Vote 6-0**

ADJUDICATORY CASES

PROVISIONAL VARIANCES

PCB 00-78 Ensign Bickford Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Union County facility a 45-day provisional variance, subject to conditions, from the open burning prohibition of 35 Ill. Adm. Code 237.102. **Vote 6-0**

PCB 00-79 Solar Communications v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a seven-day provisional variance, subject to conditions, from the volatile organic material emissions control requirements of 35 Ill. Adm. Code 218.401(c)(6). **Vote 6-0**

PCB 00-80 Polyfoam Packers Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Lake County facility a ten-day provisional variance, subject to conditions, from the volatile organic material emissions control requirements in 35 Ill. Adm. Code Part 218.926(a) and conditions 7.1.3(b) and 7.1.6 of petitioner's Clean Air Act Permit Program permit. **Vote 6-0**

MOTIONS AND OTHER MATTERS

PCB 99-30 Lucille Wathen v. Robert and Wendy Stryker - The Board granted this Cook County complainant's motion to dismiss without prejudice. **Vote 6-0**

PCB 00-23 National Castings, Inc. v. IEPA - The Board dismissed this matter due to this Cook County petitioner's failure to retain an attorney and file an amended petition pursuant to a September 4, 1999 Board order. **Vote 6-0**

PCB 00-26 Chester Sewage Treatment Plant v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Randolph County facility. **Vote 6-0**

PCB 00-36 C&J Auto Parts, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage appeal was timely filed on behalf of this Cook County facility. **Vote 6-0**

PCB 00-38 John Johnson Landscaping, Inc. v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. **Vote 6-0**

PCB 00-68 Village of White City v. IEPA - The Board granted this Macoupin County petitioner until December 4, 1999, to retain an attorney and to file an amended petition, or the matter will be dismissed and the docket closed. **Vote 5-1 Girard dissented**

PCB 00-72 Peacock Oil Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. **Vote 6-0**

PCB 00-73 City of Rock Island v. IEPA - The Board accepted for hearing this National Pollutant Discharge Elimination System permit appeal involving this Rock Island County facility. **Vote 6-0**

PCB 00-74 Wayne Foster 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 St. Clair County facility. **Vote 6-0**

PCB 00-75 Delta Sonic Car Wash Systems, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility. **Vote 6-0**

PCB 00-76 State Street Shell v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a St. Clair County facility. **Vote 6-0**

PCB 00-77 Susan Carson v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Kane County facility. **Vote 6-0**

BOARD ACTIONS

NOVEMBER 18, 1999

CHICAGO, ILLINOIS

ADJUSTED STANDARD

AS 00-4 In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Upon receipt of a request for a public hearing, the Board directed this request for an adjusted standard from certain water quality standard requirements on behalf of a Will County facility to proceed to hearing. **Vote 6-0**

Administrative Citations

AC 00-22 IEPA v. Olen G. Parkhill, Jr. - The Board found that this Champaign County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500. **Vote 6-0**

AC 00-27 IEPA v. John Simpson - The Board accepted for hearing this petition for review of an administrative citation against this Cumberland County respondent. **Vote 6-0**

AC 00-28 County of Sangamon v. William Maulding and Carolyn Maulding - The Board accepted for hearing this petition for review of an administrative citation against these Sangamon County respondents, noting that the maximum penalty available is \$500 per violation. **Vote 6-0**

AC 00-29 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-30 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-31 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-37 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-38 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-39 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-40 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-41 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-42 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-43 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-44 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-45 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-46 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

AC 00-47 County of Sangamon v. ESG Watts, Inc. The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. **Vote 6-0**

ADJUDICATORY CASES

DECISIONS

PCB 99-45 People of the State of Illinois v. Patrick M. Sullivan and Nick Scarlatis - 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 at 130th Street and 86th Avenue in Palos Township, Cook County, Illinois, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. **Vote 6-0**

PCB 00-24 The Ensign-Bickford Company v. IEPA - The Board granted this Union County facility a two year variance, subject to conditions, from the air regulation which prohibits open burning found at 35 Ill. Adm. Code 237.102, and authorization to open burn explosive waste as permitted by 35 Ill. Adm. Code 237.103. **Vote 6-0**

PROVISIONAL VARIANCE

PCB 00-88 Caterpillar, Inc. (Mossville Engine Center) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Peoria County facility a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand, suspended solids, and oil and grease limits set forth in 35 Ill. Adm. Code 304.120, 304.124, and 304.141(a) and National Pollutant Discharge Elimination System Permit (NPDES) No. IL0001414. **Vote 6-0**

MOTIONS AND OTHER MATTERS

PCB 93-191 People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice & Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents - The Board denied cross-respondent Cheryl Halbrooks' motions to dismiss complainant's amended complaint and to extend the deadline for her to file any complaint. The Board granted the motion suggesting the death of Lloyd Wiemann and the motion to substitute the Estate as a respondent in this proceeding. The Board on its own motion dismissed Texaco Refining and Marketing, Inc. and Eugene Halbrooks. **Vote 6-0**

PCB 96-180 Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc. - The Board granted countercomplainant's motion to withdraw motion for partial summary judgment, but denied the motion to extend stay. **Vote 6-0**

PCB 00-25 KRKH, Inc. v. IEPA - On September 9, 1999, the Board deferred action on the petition to allow the affected well owners the statutorily allotted time to waive or respond to petitioner's request for the water well setback exception, pursuant to Section 14.2(b) of the Environmental Protection Act (Act). 415 ILCS 5/14.2(b)(1998). On November 17, 1999, petitioner filed an amended petition, naming the affected well owners as party respondents. Since the time for the well owners to waive or respond to the request elapsed on November 16, 1999, the Board directed that this matter proceed to hearing. **Vote 5-0 Melas abstained**

PCB 00-43 Casey's General Store 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 Jo Daviess County facility. **Vote 6-0**

PCB 00-45 D&R Service Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility. **Vote 6-0**

PCB 00-49 Chiquita Processed Foods f/k/a Owatonna Canning Company, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a Peoria County facility. **Vote 6-0**

PCB 00-51 Illinois State Toll Highway Authority (Lake Forest Oasis - West) v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Lake County facility. **Vote 5-0 Melas abstained**

PCB 00-52 Illinois State Toll Highway Authority (Belvidere Oasis on I-90 -West) v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Boone County facility. **Vote 5-0 Melas abstained**

PCB 00-56 The Burlington Northern and Santa Fe Railway Company (Cicero Yard UST) v. IEPA - The Board dismissed this matter due to this Cook County petitioner's failure to retain an attorney and file an amended petition pursuant to an October 7, 1999 Board order. **Vote 6-0**

PCB 00-81 Northwestern University v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility. **Vote 6-0**

PCB 00-82 Jersey Sanitation Corporation 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 Jersey County facility. **Vote 6-0**

PCB 00-83 Kathe's Auto Service, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility. **Vote 6-0**

PCB 00-84 Graham Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility. **Vote 6-0**

PCB 00-85 Libertyville Lumber Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility. **Vote 6-0**

PCB 00-86 People of the State of Illinois v. Rodgers Engineering Corporation - The Board accepted for hearing this air enforcement action against this Kane County facility. **Vote 6-0**

PCB 00-87 E.G. Vogt Oil Company, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this St. Clair County facility. **Vote 6-0**

NEW CASES

NOVEMBER 4, 1999

00-72 Peacock Oil Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

00-73 City of Rock Island v. IEPA - The Board accepted for hearing this National Pollutant Discharge Elimination System permit appeal involving this Rock Island County facility.

00-74 Wayne Foster 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 St. Clair County facility.

00-75 Delta Sonic Car Wash Systems, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility.

00-76 State Street Shell v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a St. Clair County facility.

00-77 Susan Carson v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Kane County facility.

00-78 Ensign Bickford Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Union County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning.

00-79 Solar Communications v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a seven day provisional variance, subject to conditions, from the air pollution control regulation 35 Ill. Adm. Code 218.401(c)(6).

00-80 Polyfoam Packers Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Lake County facility a 10-day provisional variance, subject to conditions, from the requirement for emissions capture and control techniques that achieve overall reduction in uncontrolled volatile organic material emissions in 35 Ill. Adm. Code Part 218.926(a) and conditions 7.1.3(b) and 7.1.6 of petitioner's Clean Air Act Permit Program permit.

AC 00-32 Ogle County v. Irene and Dave Wescott - The Board accepted an administrative citation against these Ogle County respondents.

AC 00-33 County of Sangamon v. American Tree Service, Roy F. Throop - The Board accepted an administrative citation against these Sangamon County respondents.

AC 00-34 County of Sangamon v. Illinois Central Railroad - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-35 County of Sangamon v. Throop and Son Tree Service, Earl Throop - The Board accepted an administrative citation against these Sangamon County respondents.

AC 00-36 IEPA v. David Swearingen - The Board accepted an administrative citation against this Moultrie County respondent.

AC 00-37 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-38 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-39 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-40 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-41 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-42 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-43 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-44 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-45 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-46 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-47 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AS 00-7 In re Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 - The Board acknowledged receipt of this petition for an adjusted standard from certain water quality standard from certain water quality standard requirements on behalf of a Jackson County facility and held it pending receipt of the certificate of publication.

NOVEMBER 18, 1999

00-81 Northwestern University v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

00-82 Jersey Sanitation Corporation 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 Jersey County facility.

00-83 Kathe's Auto Service, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

00-84 Graham Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.

00-85 Libertyville Lumber Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

00-86 People of the State of Illinois v. Rodgers Engineering Corporation - The Board accepted for hearing this air enforcement action against a Kane County facility.

00-87 E.G. Vogt Oil Company, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this St. Clair County facility.

00-88 Caterpillar, Inc. (Mossville Engine Center) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Peoria County facility a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand, suspended solids, and oil and grease limits set forth in 35 Ill. Adm. Code 304.120, 304.124, and 304.141(a) and National Pollutant Discharge Elimination System Permit (NPDES) No. IL0001414.

**CALENDAR OF MEETINGS
AND HEARINGS**

December

16 ❖ 9:30 am - PCB 98-164

City of Rock Island v. IEPA

Rock Island County Building
3rd Floor Conference Room
1504 Third Avenue
Rock Island, IL

10:30 am
Pollution Control Board Meeting
Chicago, IL

22 ❖ 10:30 am - AS 00-4

Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105

University Park Village Hall
Board Room
698 Burnham Drive
University Park, IL

January

6 ❖ 10:30 am

Pollution Control Board Meeting
Chicago, IL

11 ❖ 9:30 am - PCB 99-69
Land and Lakes Company v. Randolph County Board of Commissioners

Randolph County Courthouse
1 Taylor Street
Chester, IL

12 ❖ 9:30 am - PCB 99-69

Land and Lakes Company v. Randolph County Board of Commissioners

Randolph County Courthouse
1 Taylor Street
Chester, IL

20 ❖ 10:30 am

Pollution Control Board Meeting
Chicago, IL

21 ❖ 9:00 am - PCB 00-53

The C.P. Hall Company (Reactor V-62 Condenser) v. IEPA

10:00 am - PCB 00-54

The C.P. Hall Company (Batch Operations) v. IEPA

James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, IL

26 ❖ 9:30 am - PCB 98-18

James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate

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

27 ❖ 9:30 am - PCB 98-18

James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate

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

Regular Board Meeting
Schedule for Calendar
Year 2000

February	3, 17
March	2, 16
April	6, 20
May	4, 18
June	8, 22
July	13, 27
August	10, 24
September	7, 21
October	5, 19
November	2, 16
December	7, 21

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

Comments/Suggestions

Thank you for filling out the Board's comment card. Please be as thorough as possible. If you require a response, please provide us with your return address.

George H. Ryan, Governor

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman
Springfield

Ronald C. Flemal
DeKalb

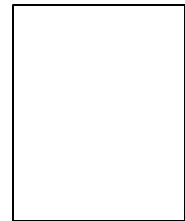
G. Tanner Girard
Jacksonville

Elena Z. Kezelis
Springfield

Marili McFawn
Inverness

Nicholas J. Melas
Chicago

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



Illinois Pollution Control Board
Environmental Register Coordinator
600 South Second Street, Suite 402
Springfield Illinois, 62704