

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 483

June 1, 1994

APPELLATE UPDATE

FAILURE TO NAME A NECESSARY PARTY RESULTED IN DISMISSAL OF APPEAL

The Fifth District appellate court dismissed an appeal of a Board decision on March 22, 1994, in *Environmental Control Systems, Inc. v. PCB* (5th Dist. 1994), -- Ill. App. 3d --, 630 N.E.2d 554. The court held that it lacked jurisdiction because the applicant failed to name a necessary party: the Madison County Board (county board), the unit of local government whose decision the Board reviewed.

The county board granted local siting approval for a regional pollution control facility proposed by the applicant on December 18, 1990. The Madison County Conservation Alliance (MCCA) appealed that decision to the Board, naming the county board and the applicant as respondents. On April 11, 1991, under docket number PCB 90-239, the Board reversed the county board's decision. The applicant appealed the Board's decision to the Fifth District on May 9, 1991, naming the Board and MCCA as respondents. On August 28, 1991, the Board filed a motion to dismiss for failure to name the county board in the appeal, and the court issued an order to show cause. On December 19, 1991, the applicant filed a motion with the Fifth District to name the county board as a respondent. The appellate court granted dismissal because the petition for review was deficient under Supreme Court rule 335.

The Fifth District held that a failure to name a necessary party in an appeal deprives the appellate court of jurisdiction. The court stated that "parties seeking review of PCB decision must show . . . a good faith effort to comply with the rules or face dismissal of their cases. . . . In order to obtain judicial review, a petition for review must be filed within 35 days of the PCB decision about which the petitioner complains. . . . The petition for review . . . shall specify the parties seeking review *The agency and all other parties of record shall be named as respondents.*" The court found that the applicant did not demonstrate a good faith effort to name the county Board, since the applicant did not move to name the county board until after the Board has filed its motion to dismiss and the court issued its show-cause order. The court held that Supreme Court rule 366, which allows adding new parties, was inapplicable to the case because it felt it could only apply to a new party. It further found nothing in section 3-111 of the rules of civil procedure (administrative review) that would have allowed adding a necessary party. The Fifth District denied leave to amend the petition and dismissed the appeal because it lacked jurisdiction.

(Editor's Note: for a case in which the Fifth District allowed correction of the caption to name an additional respondent (the Board), see Worthen v. Village of Roxana (5th Dist. 1993), 253 Ill. App. 3d 378, 623 N.E.2d 378 (appeal of PCB 90-239), discussed in issue 477, Dec., 1993.)

COSTS OF SEEKING REIMBURSEMENT ARE NOT REIMBURSABLE; THE AGENCY IMPROPERLY LIMITED REIMBURSEMENT OF HANDLING CHARGES TO 15%

In an opinion dated May 19, 1994, in *Chuck and Dan's Auto Service v. IEPA* (3d Dist. May 19, 1994), No. 3-93-751, the Third District Appellate Court affirmed in part and reversed in part a Board affirmance of an Agency denial of reimbursement for costs for remediation of leaking underground storage tanks. The opinion is marked "not to be published" by the court.

The petitioner, the owner of a gasoline service station, submitted a request for reimbursement, pursuant to former Section 22.18 of the Environmental Protection Act (Act), of the costs it incurred in taking corrective action with regard to multiple leaking underground gasoline storage tanks. Included in the costs submitted was a charge for preparing and submitting the request for reimbursement and a 56 percent handling charge. The Agency made partial reimbursement, but denied the costs of seeking reimbursement and that portion of the handling charges over 15 percent. The petitioner appealed the Agency's determination before the Board, and the Board affirmed the Agency's denial in an order dated August 26, 1993, under docket number PCB 92-203. The petitioner appealed the Board's decision to the Third District.

The Third District first held that the costs of seeking reimbursement were not the costs of "corrective action" under former Section 22.18(e)(1)(C) of the Act. It affirmed the Board's decision on this point. The court observed that that provision defined "corrective action" as action that alleviates or eliminates a petroleum release and which serves to protect human health and the environment.

The court then reversed the Board's upholding the Agency's 15 percent limitation on handling charges. The court noted that the Agency applied the 15 percent limitation generally to all seeking reimbursement. The court noted that the Act authorized the Agency to promulgate rules to administer the reimbursement fund and found that the 15 percent limitation on reimbursement of handling charges met the Administrative Procedure Act (APA) definition of a "rule". The court observed that the Agency developed this limitation internally, and many of the Agency-disseminated reimbursement forms included this limitation, but the Agency did not follow the formal public notice, comment, and filing procedures of the APA in adopting the limitation. Following *Senn Park Nursing Center v. Miller* (Ill. 1984), 104 Ill. 2d 169, 470 N.E.2d 1029, and *Berrios v. Rybacki* (1st Dist. 1989), 190 Ill. App. 3d 338, 546 N.E.2d 651, the Third District invalidated the limitation. Because the Agency had stipulated that the total amount in the invoices submitted to the applicant by the contractor for site remediation were reasonable, the court ordered payment of the disputed charges without remanding the case. The court felt that the stipulation relieved the applicant of the burden of proving that the handling charges were reasonable.

(Editor's Note: In the conclusion of its opinion, the court noted that the factual situation before it was unlikely to recur. P.A. 88-496, effective September 13, 1993 (issue 475, Oct. 6, 1993), adopted new provisions governing underground storage tank remediation and cost reimbursement. Further, presently pending rulemaking docket R94-2, proposes new procedural rules for leaking underground storage tank proceedings. (Issue 481, Apr., 1994.)

RULEMAKING UPDATE

EMERGENCY RULE EXTENDS DEADLINE FOR COMPLIANCE WITH RCRA SUBTITLE D LANDFILL REGULATIONS, R94-13

The Board adopted an emergency rule on May 5, 1994 that extends the deadline for compliance with the RCRA Subtitle D landfill regulations. This emergency rule extends the deadline for compliance with the regulations until October 9, 1994 for certain existing facilities and lateral expansions of existing facilities. The facilities affected are two groups of municipal solid waste landfills (MSWLFs) that meet certain conditions. The first group includes MSWLFs that accepted 100 tons or less per day of waste between October 9, 1991 and October 9, 1992, which did not accept more than 100 tons per day between October 9, 1993 and April 9, 1994, and which are not listed on the National Priority List under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") at 40 CFR 300, appendix B. The second group of exempted landfills includes MSWLFs that the Illinois EPA has found is needed for receipt of flood-related wastes.

The Board adopted the emergency rule, which is effective for a maximum of 150 days from the date it was filed with the Secretary of State, May 12, 1994, was in response to a statutory amendment.

On April 30, 1994, the Governor signed Public Act 88-540 (formerly Senate Bill 405) into law. This amended Section 22.40(c) of the Environmental Protection Act, effective upon the signing, to extend the deadline until which landfills may continue operating without having to meet the new stricter RCRA Subtitle D requirements. (Issue 482, May, 1994.) Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R94-13.

PM₁₀ CONTINGENCY MEASURE AMENDMENTS PROPOSED FOR SECOND NOTICE, R93-30

On May 5, 1994, the Board proposed amendments to the PM₁₀ regulations for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The proposal would establish contingency rules for additional reductions in PM₁₀ emissions in the areas of the state designated as moderate nonattainment by U.S. EPA, in the event U.S. EPA finds that the area has failed to achieve compliance by December 31, 1994. Those areas are McCook and Lake Calumet Townships in Cook County, Granite City in Madison County, and a portion of Oglesby Township in LaSalle County.

The Illinois EPA (Agency) filed the new Clean Air Act (CAA) rule-making proposal for amendments on December 30, 1993 pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act. On January 6, 1993, the Board proposed the amendments for First Notice publication in the *Illinois*

Register without review of their merits, as required by the statute. Section 28.5 required the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacked any discretion under the statute to adjust these time-frames under any circumstances.

The Board held a public hearing on the Agency's proposal on February 22, 1994. Hearings originally scheduled for March 22 and April 5, 1994 were cancelled because the level of public interest and participation so warranted. After the Board has received a Certificate of No Objection from JCAR or 45 days have elapsed from the date when JCAR received the Second Notice package for review (May 16, 1994), the Board will be free to adopt a regulation based on the proposed rule without deviation from the text as proposed, unless changes are requested by JCAR. Direct questions to Elizabeth S. Harvey, at 312-814-6921. Please refer to docket R93-30.

SITE-SPECIFIC EFFLUENT LIMITATIONS FOR AMEROCK CORP. PROPOSED FOR SECOND NOTICE, R87-33

On May 5, 1994, the Board proposed a site-specific regulation for Second Notice review by the Joint Committee on Administrative Rules (JCAR) that would apply to the Rockford facility of Amerock Corporation. The proposed rule would set alternative chromium (total and hexavalent), copper, zinc, cyanide, and total suspended solids limitations on the petitioner's stormwater discharges to Kent Creek, in Winnebago County. It would lapse by its own terms after December 31, 2000.

After the Board has received a Certificate of No Objection from JCAR or 45 days have elapsed from the date when JCAR received the Second Notice package for review (May 16, 1994), the Board will be free to adopt a regulation based on the proposed rule without deviation from the text as proposed, unless changes are requested by JCAR. Direct questions to Elizabeth S. Harvey, at 312-814-6921. Please refer to docket R87-33.

CATEGORIES OF INSIGNIFICANT ACTIVITIES OR LEVELS AT CAAPP SOURCES RULEMAKING PROPOSAL FILED, PROPOSED FOR FIRST NOTICE & SET FOR HEARING, R94-14

On May 11, 1994, the Illinois Environmental Protection Agency (Agency) filed a new Clean Air Act (CAA) rulemaking proposal with the Board. On May 19, 1994, the Board accepted the proposal as a Section 28.5 "fast-track" rulemaking proceeding and set it for hearings.

The Agency represented in the filing that section 502(d) of the federal CAA mandates the state to develop and submit a permit program (CAAPP) to U.S. EPA by November 15, 1993 that meets Title V of the CAA. Section 39.5(5)(w) of the Environmental Protection Act (Act), which the Illinois General Assembly adopted to fulfill the federal requirements, requires the Agency to propose regulations that define insignificant activities or emission levels by March 26, 1994. Section 39.5(5)(w) then requires the Board to conduct proceedings on the proposal and adopt final regulations in this regard within nine months of receiving the Agency's proposal.

The rulemaking proposal contemplates amendments to Part 201 and 211 of the air pollution control regulations. The new proposal,

which is docketed as R94-14, seeks to amend various of the air permit regulations to set forth informational requirements for sources subject to Section 39.5 of the Act. The Agency stated that CAA requires a source to submit detailed activities and emissions information in its application for a CAAPP permit, but that certain insignificant activities and emissions may be submitted as a list. The Agency's stated purpose in submitting the proposal is to define insignificant activities and emissions.

This rulemaking was filed pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Act. As previously reported for earlier-filed CAAA proceedings, (*See Environmental Register issues 461 (Dec. 2, 1992), 462 (Dec. 16, 1992), 465 (Feb. 24, 1993), 467 (Mar. 24, 1993), 468 (Apr. 7, 1993), 478 (Jan., 1994) & 482 (May, 1994).*), Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances.

The statute requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant.

The hearing officer has set three days of public hearings on the Agency's proposal:

- 10:30 a.m., Wednesday, June 29, 1994
- 10:30 a.m., Tuesday, July 26, 1994
- 10:30 a.m., Monday, August 8, 1994

All three days of hearings are scheduled to occur at Room 9-040 of the James R. Thompson Center, 100 W. Randolph, Chicago. Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R94-14.

PART I 15% ROP PLAN FOR VOM EMISSIONS PROPOSED FOR FIRST NOTICE & SET FOR HEARING, R94-12

On May 5, 1994, the Board proposed a new Clean Air Act (CAA) rulemaking proposal for First Notice publication in the *Illinois Register*. The newly proposed amendments, which are docket R94-12, would amend the volatile organic material (VOM) emissions regulations to begin to incorporate a plan for a 15 percent reduction in 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas (15% ROP plan). (*Issue 482, May, 1994.*) According to representations made by the Illinois EPA (Agency) in the April 24, 1994 proposal that initiated this proceeding, the state is federally required to reduce VOM emissions by 159 tons per day (tpd) in the Chicago area and by 36 tpd in the Metro-East area. The Agency stated that the proposal would constitute Part I of a broader 15% ROP plan. The Agency contemplated filing future proposals for additional parts of the overall ROP plan, in order to achieve the federal reductions requirements.

The Part I proposed amendments contemplate the use of

pressure-vacuum relief valves on vent tubes at gasoline dispensing operations in both the Chicago and Metro-East areas and a lowering of the Reid vapor pressure (RVP) on gasoline from 9.0 psi to 7.2 psi in the Metro-East area. (Section 211(k) of the CAA will already require this RVP reduction in the Chicago area.) The Agency estimated that the use of pressure-vacuum relief valves will reduce emissions by 4 tpd in the Chicago area and by 0.4 tpd in the Metro-East area. The use of 7.2 RVP fuel will reduce emissions 8.5 tpd in the Metro-East St. Louis area.

This rulemaking was accepted by the Board pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act (Act). Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances. Section 28.5 of the Act requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant. The Board has scheduled hearings to occur in Room 9-040 of the James R. Thompson Center, 100 W. Randolph, Chicago, as follows:

- 10:00 a.m., Friday, June 17, 1994
- 10:00 a.m., Thursday, July 14, 1994
- 10:30 a.m., Wednesday, July 27, 1994

Direct questions to Michelle C. Dresdow, at 815-753-0947. Please refer to docket R94-12.

PART II 15% ROP PLAN FOR VOM EMISSIONS SET FOR HEARING, R94-15

On May 26, 1994, the Agency filed a new Clean Air Act (CAA) rulemaking proposal with the Board. The new proposal, which is docket R94-15, seeks to amend the volatile organic material (VOM) emissions regulations to continue to incorporate a plan for a 15 percent reduction in 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas (15% ROP plan). The Agency represented in the filing that section 182(b)(1) of the federal Clean Air Act mandates these reductions in all nonattainment areas for ozone by 1996. The Chicago and Metro-East areas are rated by U.S. EPA as "severe" and "moderate" nonattainment, respectively. The Agency states that the state must reduce the VOM emissions by 159 tons per day (tpd) in the Chicago area and by 36 tpd in the Metro-East area. The Agency stated that this proposal would constitute Part II of a broader 15% ROP plan. This is the second 15% ROP plan filing, and the Agency contemplates filing proposals for additional parts of the overall ROP plan in the future, in order to achieve the federal reductions requirements.

The Part II proposal contemplates extending VOM emissions control measures to the loading of marine vessels and deletion of the exemption for barge loading from the regulations applicable to

"Miscellaneous Fabricated Product Manufacturing Processes", "Miscellaneous Formulated Manufacturing Processes", "Miscellaneous Organic Chemical Manufacturing Processes", and "Other Emissions Units" source categories. The Agency estimated that there are presently three sources in the Chicago area and six sources in the Metro-East area potentially affected by the amendments. The Agency estimates that the amendments will reduce VOM emissions by 1.3 tpd in the Chicago area and by 11.82 tpd in the Metro-East area.

This rulemaking was filed pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act. As previously reported for earlier-filed CAA proceedings, (See *Environmental Register issues 461 (Dec. 2, 1992), 462 (Dec. 16, 1992), 465 (Feb. 24, 1993), 467 (Mar. 24, 1993), 468 (Apr. 7, 1993), 478 (Jan., 1994) & 482 (May, 1994).*), Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances.

The statute requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant. The Board has scheduled hearings to occur in the Department of Transportation Classroom, 1100 East Port Plaza Drive, Collinsville, as follows:

11:00 a.m., Tuesday, July 12, 1994

11:00 a.m., Tuesday, August 9, 1994

11:00 a.m., Tuesday, August 23, 1994

Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R94-15.

(Editor's Note: This is the second 15 % ROP plan proposal filed with the Board. An article on the first, the Part I proposal, docketed as R94-12, appears above.)

DRINKING WATER UPDATE PROPOSED FOR PUBLIC COMMENT, R94-4

On May 5, 1994, the Board proposed amendments to the Illinois drinking water regulations that are identical in substance to amendments adopted by U.S. EPA pursuant to the federal Safe Drinking Water Act (SDWA). A Notice of Proposed Amendments appeared in the *Illinois Register* on May 20, 1994. The SDWA update period covered is from July 1 through December 31, 1994. During that period, U.S. EPA amended its regulations to add two new methods for analyzing total trihalomethanes (TTHMs) in drinking water.

In addition to the new TTHM methods and in response to a request from the Illinois EPA (Agency), the Board included a number of corrections to the Phase II amendments originally adopted by the Board on November 3, 1992, in R91-3. The Agency asserted that the Phase II corrections were necessary to ensure a

grant of state primacy upon review by U.S. EPA.

The Board will be free to adopt amendments based on the proposal 45 days after the Notice appeared in the *Illinois Register*. Direct questions to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-4.

LUST PROCEDURAL RULES HEARINGS COMPLETED, R94-2

The Board held its final hearing in the leaking underground storage tank (LUST) rulemaking, docket R94-2, on June 8, 1994. The record closed in the proceeding, entitled *In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732*, after five days of hearings: April 27, May 23 and 24, and June 7 and 8, 1994. At the hearings, the Illinois EPA (Agency) and other participants offered "merit and economic impact" testimony on the Agency proposal, filed March 15, 1994, which implements the extensive amendments to the LUST program adopted in P.A. 88-496. (*Issues 475, Oct. 6, 1993 & 481, Apr., 1994.*)

In addition to the Agency offering testimony in support of its proposal, several other participants offered testimony that either supported the Agency's proposal or alternative language to the Agency's proposal. Some of the other participants included the statutorily-created UST Advisory Committee, the Illinois Environmental Regulatory Group (IERG), the Illinois Petroleum Marketers Association, the Illinois Petroleum Council, and the Illinois Department of Transportation.

Several participants expressed the desire to sever the docket, to create a separate sub-docket to consider generic clean-up objectives and alternative methodologies for determining objectives. IERG filed a formal motion to sever the docket on June 1, 1994, and the Agency filed a response in opposition to that motion on June 7, 1994. The Board has taken no action on the IERG motion to date.

The Board is required by P.A. 88-496 to adopt final rules for the administration of Illinois LUST program by September 15, 1994. Therefore, the Board has a tight adoption schedule. The Board intends to place a Second Notice opinion and order on the decisions agenda of a mid-to-late July meeting. Anyone planning to file a public comment or a post-hearing comment has until June 30, 1994 to file it with the Clerk of the Board. Any person submitting a comment should also serve a copy on each person whose name appears on the service list.

The proposed rules would establish procedures for LUST remediation and reimbursement proceedings. The proposal includes provisions applicable to remediation of LUST sites, administration of the state's LUST reimbursement fund, reimbursement from the fund for costs of investigation and remediation, and for audit of corrective action efforts. Submit requests for a copy of the service list and direct any other questions to the hearing officer, Musette Vogel at 217-524-8509. Please refer to docket R94-2.

BOARD ACCEPTS WATER TOXICS PETITION AS FEDERALLY REQUIRED, R94-1

On May 5, 1994, the Board reconsidered an earlier decision that

denied proceeding on a rulemaking proposal as a federally required rule. The Board accepted the proposal filed February 24, 1994 by the Illinois EPA (Agency) as federally required. The proposal seeks to amend certain of the water quality regulations by updating various standards for ammonia nitrogen, lead, and mercury. (*Issue 481, April, 1994.*)

The Agency's proposal proceeded from a mandatory review of the Illinois stream water quality regulations required under the federal Clean Water Act (33 U.S.C. §§ 1251 *et seq.*). The proposal would amend Parts 302 and 304 of the Water Pollution Control regulations to revise the standards for ammonia nitrogen, mercury, and lead general water quality standards; secondary contact and indigenous aquatic life standards; and other regulations.

In filing its proposal, the Agency certified pursuant to Section 28.2 of the Act that certain of the proposed amendments were "federally required" under Section 28.2 of the Environmental Protection Act (Act). By an order dated March 17, 1994, the Board rejected proceeding under the "federally required" procedures because the Agency's certification applied to only part of the proposal. The Board, nevertheless, accepted the proposal under the general rulemaking procedures of Section 27 and stated that it intended to proceed as expeditiously as possible.

Section 28.2 of the Act allows the Agency to certify that certain regulatory amendments are federally required rules. It allows the Board 45 days to either accept or reject the Agency's certification. Pursuant to the Board's order of May 5 construing Section 28.2, the Board must propose a First Notice rule for publication in the *Illinois Register* within six months, *i.e.*, by November 5, 1994. Direct questions to Charles M. Feinen, at 217-524-8507. Please refer to docket R94-1.

PRETREATMENT UPDATE DISMISSED, R93-20

The Board dismissed a wastewater pretreatment update docket, R93-20, on May 5, 1994. The Board reserved the docket to accommodate U.S. EPA amendments to its corresponding pretreatment regulations that may have occurred during the period January 1 through June 30, 1993. During that period, U.S. EPA amended its sewage sludge regulations in a way that affected its pretreatment rules: it amended the removal credits provisions.

In dismissing the docket, the Board noted that U.S. EPA cited Sections 405(d) and (e) of the Clean Water Act (CWA) as authority for its amendments. The Board observed that Section 13.3 of the Environmental Protection Act mandates that it adopt regulations that are identical-in-substance to federal regulations adopted pursuant to Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the CWA. The Board noted the Illinois EPA (Agency) comment that the Board's statutory authority for proceeding with amendments to the removal credits provisions was "questionable", and that the Board should delay development of any proposal. As cited by the Board, the Agency stated that it is presently discussing the necessary elements of a sewage sludge program with U.S. EPA, and until the Agency develops a proposal for submittal to the Board, the federal sewage sludge regulations are directly enforceable in Illinois. Direct questions to Elizabeth S. Harvey, at 312-814-6921. Please refer to docket R93-20.

FOR YOUR INFORMATION

AGENCY TO CONDUCT HEARING ON DRAFT VEHICLE MILES TRAVELLED SIP REVISION

The Illinois EPA (Agency) has scheduled a public hearing on a draft state implementation plan (SIP) revision before submitting the plan to U.S. EPA for review and approval. The Agency's notice of hearing states that the prospective SIP revision involves Part 254 of the Agency's rules, pertaining to annual emissions reports, and relates to vehicle miles travelled (VMT) in the Chicago ozone nonattainment area. The notice states that Section 182(d)(1)(A) of the federal Clean Air Act (CAA) requires Illinois to offset emissions from the growth in VMT and attain a re-

duction in motor vehicle emissions to comply with the 15 percent rate of progress plan (ROP) and to consider transportation control measures necessary to attain the National Ambient Air Quality Standard (NAAQS) for ozone in the Chicago nonattainment area.

The hearing is scheduled for 10:30 a.m., Wednesday, June 22, 1994, in Room 8-033, at the James R. Thompson Center, 100 West Randolph Street, Chicago. The notice states that the record will close Wednesday, June 29, 1994.

It states that interested persons should contact Rachel Doctors, Illinois EPA, P.O. Box 19276, Springfield 62794-9276 (phone 217-524-3333) with questions and to obtain copies. The notice directs persons to address comments to John Williams, Agency Hearing Officer, Illinois EPA, P.O. Box 19276, Springfield 62794-9276 (phone 217-782-5544).

The Agency maintains copies of the draft SIP revision on file at its offices in Suite 300, James R. Thompson Center, 100 West Randolph Street, Chicago; 1701 South First Avenue, Maywood; and 1340 North Ninth Street, Springfield.

FINAL ACTIONS - May 5, 1994 BOARD MEETING

- | | | | |
|--------|--|-------|---|
| 92-67 | <u>People of the State of Illinois v. Escast, Inc.</u> - The Board accepted a stipulation and settlement agreement in this land enforcement action against a DuPage County facility, ordered the respondent to pay a civil penalty of \$1,500.00, and ordered it to cease and desist from further violation. | | <u>Village of Hainesville</u> - The Board dismissed this citizens' noise enforcement action against a Lake County facility because it is an organized amateur or professional sporting activity and thereby exempt from the noise regulations. |
| 93-59 | <u>People of the State of Illinois v. Freedom Oil Company</u> - The Board found that the respondent had violated Board regulations in this underground storage tank enforcement action against facilities in Champaign and Crawford Counties and ordered Freedom Oil to pay a penalty of \$30,000.00, State's attorneys' fees in the amount of \$1,500.00, and the State's costs of \$308.90 and ordered it to cease and desist from further violations. Member J. Theodore Meyer concurred. | 94-19 | <u>Michael Turlek, Lillian Smejkal and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc.</u> - The Board affirmed the Village of Summit's grant of site location approval for a new regional pollution control facility. (Consolidated with PCB 94-21 and PCB 94-22.) |
| 93-202 | <u>Horsehead Resource Development Company, Inc. v. IEPA</u> - The Board granted voluntary dismissal of this land permit appeal involving a Cook County facility. | 94-19 | <u>Michael Turlek, Lillian Smejkal and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc.</u> - The Board affirmed the Village of Summit's grant of site location approval for a new regional pollution control facility. (Consolidated with PCB 94-21 and PCB 94-22.) |
| 93-246 | <u>City of Elgin v. IEPA</u> - The Board granted the voluntary dismissal of this underground storage tank reimbursement determination appeal involving a Kane County facility. | 94-21 | <u>Kay Kaluga and Alice Zeman v. Village of Summit and West Suburban Recycling and Energy Center, Inc.</u> - (See PCB 94-19.) |
| 94-2 | <u>Anne Shepard, James Verhein and Jerold Leckman v. Northbrook Sports Club and</u> | 94-22 | <u>Citizens for a Better Environment, Patricia J. Bartleman, Nancy Katz and Michelle Schmits v. Village of Summit and West Suburban Recycling and Energy Center, Inc.</u> - (See PCB 94-19.) |

- 94-38 Park District of Highland Park (Central Park Facility) v. Office of the State Fire Marshal - The Board granted an agreed dismissal of this underground storage tank reimbursement appeal involving a Lake County facility and ordered the parties to effectuate their settlement agreement without making findings of facts or conclusions of law.
- 94-60 Mobil Oil Corporation v. IEPA - The Board granted the petitioner's 74 facilities located in Cook, DuPage Lake, Kendall, and Will Counties a group air variance from the Stage II vapor recovery requirement for CARB certification of vapor recovery equipment.
- 94-75 Jay Aguilar v. The City of Wood Dale - The Board dismissed this citizen's water enforcement complaint against a DuPage County facility without prejudice.
- 94-76 AKZO Chemicals, Inc. v. IEPA - The Board granted this Grundy County facility a three-year variance from the total dissolved solids (TDS), chloride, sulfate, and boron effluent standards of the water pollution control regulations, subject to conditions.
- 94-86 Auburn, Divernon, Girard, Pawnee, Thayer, Virden Water Commission v. IEPA - The Board granted this Macoupin and Sangamon County facility a two and one-half year variance from the standards for issuance and restricted status provisions of the public water supplies regulations, as they relate to the maximum contaminant level (MCL) for atrazine in drinking water.
- 94-95 City of Staunton v. IEPA - The Board granted this Macoupin County facility a two and one-half year variance from the standards for issuance and restricted status provisions of the public water supplies regulations, as they relate to the maximum contaminant level (MCL) for total trihalomethanes (TTHM) in drinking water.
- 94-102 People of the State of Illinois v. APV Rockford, Inc. - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Winnebago County facility, ordered the respondent to pay a civil penalty of \$7,500.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-109 People of the State of Illinois v. Dietzgen Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$35,000.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-111 People of the State of Illinois v. Hexagon Packaging Corporation - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Lake County facility, ordered the respondent to pay a civil penalty of \$4,000.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-113 People of the State of Illinois v. The Pillsbury Company - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Boone County facility, ordered the respondent to pay a civil penalty of \$1,350.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-115 People of the State of Illinois v. Schumacher Electric Corporation - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Vermilion County facility, ordered the respondent to pay a civil penalty of \$2,450.00, and ordered it to cease and desist from further violation. J. Theodore Meyer concurred.
- 94-116 People of the State of Illinois v. Clark Foam Products, Inc. - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$2,250.00, and ordered it to cease and desist from further violation. J. Theodore Meyer concurred.
- 94-117 People of the State of Illinois v. Alcan-Toyo America, Inc. - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Will County facility, ordered the

	respondent to pay a civil penalty of \$3,350.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.	AC 94-13	<u>Sangamon County v. ESG Watts, Inc.</u> - The Board entered a default order, finding that this Sangamon County facility had violated Section 21(o)(1), 21(o)(5), and 21(o)(12) of the Act, and ordered the respondent to pay a civil penalty of \$1500.00.
94-142	<u>Douglas Furniture Corporation v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance from the requirements of the air pollution control regulations that it operate its pollution control equipment within the limits of its permit.	AC 94-14	<u>Montgomery County v. John O'Brien</u> - The Board entered a default order, finding that this Montgomery County facility had violated Section 21(p)(1) of the Act, and ordered the respondent to pay a civil penalty of \$500.00.
94-144	<u>Airtex Products v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Wayne County facility a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes.	AC 94-15	<u>Sangamon County v. ESG Watts, Inc.</u> - The Board entered a default order, finding that this Sangamon County facility had violated Section 21(o)(1), 21(o)(5), and 21(o)(12) of the Act, and ordered the respondent to pay a civil penalty of \$1500.00.
AC 92-86	<u>IEPA v. Al Seamon</u> - The Board dismissed this administrative citation involving a Winnebago County facility. Chairman C.A. Manning dissented. Member G. Tanner Girard concurred.	Ac 94-22	<u>IEPA v. Gallatin National Company</u> - The Board granted voluntary dismissal of this administrative citation filed against a Fulton County facility.
AC 94-12	<u>Sangamon County v. ESG Watts, Inc.</u> - The Board entered a default order, finding that this Sangamon County facility had violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Act, and ordered the respondent to pay a civil penalty of \$1500.00.	R93-20	<u>In the Matter of: Pretreatment Update, USEPA Regulations (January 1, 1993 through June 30, 1993)</u> - See Rulemaking Update.
		R94-13	<u>In the Matter of: RCRA Subtitle D Extension 35 Ill. Adm. Code 814</u> - See Rulemaking Update.

NEW CASES - May 5, 1994 BOARD MEETING

94-2	<u>Anne Shepard, James Verhein, and Jerold Leckman v. Northbrook Sports Club, and Village of Hainesville</u> - See Final Actions.	94-135	<u>People of the State of Illinois v. Reliable Sand and Gravel, Inc.</u> - The Board accepted this air and water enforcement action against a McHenry County facility for hearing.
94-132	<u>Village of Diamond v. IEPA</u> - The Board held this public water supplies variance involving a Grundy County facility for the Agency's recommendation.	94-136	<u>Elmhurst-Chicago Stone Company v. IEPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a DuPage County facility for hearing.
94-133	<u>TNT Holland Motor Express, Inc. v. Office of the State Fire Marshal</u> - The Board accepted this underground storage tank reimbursement appeal involving a Cook County facility for hearing.	94-137	<u>Robert Schwake Stone Co., Inc. v. IEPA</u> - The Board requested an amended petition in this underground storage tank reimbursement appeal involving a Cook County facility.
94-134	<u>People of the State of Illinois v. Bakley Construction Corporation</u> - The Board accepted this air and water enforcement action against a McHenry and Kane County facility for hearing.	94-138	<u>Continental Waste Industries of Illinois, Inc. v. City of Mt. Vernon, Illinois</u> - The Board accepted this regional pollution control facility siting appeal involving an existing Jefferson

	County facility for hearing and requested an amended petition that provides a copy of the City of Mt. Vernon's resolution denying local siting approval.	94-142	<u>Douglas Furniture Corporation v. IEPA</u> - See Final Actions.
94-139	<u>J. M. Sweeney Co. v. IEPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a Cook County facility for hearing.	94-143	<u>People of the State of Illinois v. Basler Electric Company</u> - The Board accepted this air enforcement action against a Madison County facility for hearing.
94-140	<u>People of the State of Illinois v. Uniroyal Chemical Company, Inc.</u> - Upon receipt of proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Will County facility, the Board ordered publication of the required newspaper notice.	94-144	<u>Airtex Products v. IEPA</u> - See Final Actions.
94-141	<u>People of the State of Illinois v. Parker Hanifin Corporation</u> - Upon receipt of proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Kane County facility, the Board ordered publication of the required newspaper notice.	94-145	<u>PACE - Suburban Bus Division of the RTA v. IEPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a Cook County facility for hearing.
		AS 94-9	<u>In the Matter of: Petition of the City of Springfield, Illinois, Office of Public Utilities for an Adjusted Standard From 35 Ill. Adm. Code Section 302.208(e)</u> - The Board acknowledged receipt of the petition for an adjusted standard involving a Sangamon County facility and held this matter to May 19, 1994 Board meeting.
		R94-13	<u>In the Matter of: RCRA Subtitle D Extension 35 Ill. Adm. Code 814 (Emergency Rulemaking)</u> - See Rulemaking Update.

FINAL ACTIONS - May 19, 1994 BOARD MEETING

90-24	<u>Rock-Ola Manufacturing Corporation v. IEPA</u> - The Board directed the Agency to issue this Cook County petitioner a RCRA clean closure certification without conditions in this permit appeal. Chairman C. A. Manning and Member M. McFawn dissented.		land enforcement action against a Moltrie County facility, ordered the respondent to pay a civil penalty of \$21,000.00, and ordered it to cease and desist from further violation.
91-160	<u>General Motors Corporation, Electro-Motive Division v. IEPA</u> - The Board granted voluntary dismissal of this air variance petition involving a Cook County facility.	94-44	<u>Concerned Citizens for a Better Environmental v. City of Havana and Southwest Energy Corporation</u> - The Board reversed the local siting approval for a proposed regional pollution control facility due to fundamental unfairness in the procedures used. Board Member J. Theodore Meyer concurred.
91-195	<u>Scott and Karen Thomas v. Carry Companies of Illinois</u> - The Board, having previously found the respondent in violation of the air and noise regulations in this citizens' air enforcement action involving a Macon County facility, ordered it to undertake all measures necessary to cease and desist from further violations. Members R. C. Flemal and J. Theodore Meyer dissented.	94-99	<u>Village of Mapleton v. IEPA</u> - The Board granted this Peoria County facility a five-year variance from the standards for issuance and restricted status provisions of the public water supply regulations, as they relate to the standards for combined radium-226 and radium-228 in drinking water, subject to conditions.
93-25	<u>People of the State of Illinois v. D & B Refuse Service, Inc.</u> - The Board accepted a stipulation and settlement agreement in this	94-108	<u>People of the State of Illinois v. Amoco Oil Company</u> - The Board accepted a stipulation and settlement agreement in this water enforcement action against a Lee County facility,

- ordered the respondent to pay a civil penalty of \$5,000.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-118 Ike Buick-Nissan, Ltd. v. IEPA - The Board granted summary judgment in favor of a Jackson County facility in this underground storage tank reimbursement appeal and directing the Agency to apply a single deductible and cause reimbursement of \$10,000.00 to issue.
- 94-151 Brandis Aircraft v. IEPA - The Board granted voluntary dismissal of the RCRA permit appeal involving a Christian County facility.
- 94-154 City of Greenfield v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Greene County facility a 45-day provisional variance from certain of the effluent limitations of the water pollution control regulations during a period of wastewater treatment plant repairs.
- AC 94-18 IEPA v. Harold Molen - The Board entered a default order, finding that this Macoupin County facility had violated Section 21(p)(1) and 21(p)(4) of the Act, and ordered the respondent to pay a civil penalty of \$1000.00.
- AC 94-19 IEPA v. Carl J. Lingo and Mary Lingo - The Board entered a default order, finding that this Logan County facility had violated Section 21(p)(1) and 21(p)(3) of the Act, and ordered the respondent to pay a civil penalty of \$1000.00.
- AC 94-27 Sangamon County v. Stephen Bileck and Wilma Bileck The Board granted voluntary dismissal of this administrative citation filed against a Sangamon County facility.
- AS 91-9 In the Matter of: Petition of the City of East Moline and the IEPA for an Adjusted Standard From 35 Ill. Adm. Code 304 - The Board granted this Rock Island County facility an adjusted standard from certain of the water pollution control regulations applicable to its discharges from its water treatment plant.
- AS 91-10 In the Matter of: Petition of Cabot Corporation for an Adjusted Standard From the Requirement of 35 Ill. Adm. Code Section 725.293 - The Board granted voluntary dismissal of this petition filed by a Douglas County facility for an adjusted standard from certain of the RCRA hazardous waste regulations.

NEW CASES - May 19, 1994 BOARD MEETING

- 94-146 Dorothy L. Hoffman v. City of Columbia - The Board held this citizen's noise enforcement action against a Monroe County facility for a frivolous and duplicitous determination. notice.
- 94-147 Capital Asset Corporation and Industrial Investors Limited Partnership v. IEPA - The Board accepted this underground storage tank reimbursement appeal involving a Winnebago County facility for hearing.
- 94-148 Chemical Waste Management, Inc. v. IEPA - The Board accepted this RCRA permit appeal involving a St. Clair facility for hearing.
- 94-149 People of the State of Illinois v. Celotex Corporation - Upon receipt of proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Adams County facility, the Board ordered publication of the required newspaper
- 94-150 Angela M. White v. Terry & Billie van Tine & Schneider National Transport, Inc. - The Board held this citizen's air and noise enforcement action against a Piatt County facility for a frivolous and duplicitous determination.
- 94-151 Brandis Aircraft v. IEPA - See Final Actions.
- 94-152 Madison Avenue Venture v. IEPA - The Board accepted this underground storage tank reimbursement appeal involving a DuPage County facility for hearing.
- 94-153 Waste Management of Illinois, Inc. (Five Oaks Recycling & Disposal Facility) v. IEPA - The Board accepted this land permit appeal involving a Christian County facility for hearing.
- 94-154 City of Greenfield v. IEPA - See Final Ac-

	tions.		dard for a Cook County facility for the June 2, 1994 meeting.
94-155	<u>Cabot Corporation v. IEPA</u> - The Board held this underground injection control (UIC) land variance involving a Douglas County facility for an Agency recommendation.	R94-14	<u>In the Matter of: Categories of Insignificant Activities or Emission Levels at a CAAPP Source, Amendments to 35 Ill. Adm. Code Parts 201 and 211</u> - See Rulemaking Update.
AS 94-9	<u>In the Matter of: Petition of the City of Springfield, Illinois, Office of Public Utilities for an Adjusted Standard From 35 Ill. Adm. Code Section 302.208(e)</u> - The Board held this petition for an adjusted standard for a Sangamon County facility for the June 2, 1994 meeting.	R94-15	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - See Rule-making Update.
AS 94-10	<u>In the Matter of: Petition of Envirite Corporation for a Revised Adjusted Standard From 35 Ill. Adm. Code 721, Subpart D</u> - The Board held this petition for an adjusted stan-		

CALENDAR OF HEARINGS

All hearings held by the Board are open to the public. All Pollution Control Board Meetings (highlighted) are open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at 312- 814-6931.

June 2 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 6 9:00 a.m.	PCB 93-192 A-E, Citizens	<u>The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and the Macon County Horsemen's Association</u> - Macon County Building, Boardroom 504, 253 East Wood Street, Decatur.
June 7 10:00 a.m.	R 94-2 R, Land	<u>In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732</u> - County Board Chambers, 200 South 9th Street, Springfield.
June 17 10:00 a.m.	R 94-12 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part I: Pressure/Vacuum Relief Valves and 7.2 RVP: Amendments to 35 Ill. Adm. Code 201, 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
June 20 9:30 a.m.	PCB 94-93 A-V	<u>White Cap, Inc. v. EPA</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
June 20 10:00 a.m.	PCB 94-131 L-S-R	<u>Daubs Landfill, Inc., d/b/a Wayne County Regional Landfill, a subsidiary of Mid-American Waste Systems, Inc. v. County Board of Wayne County, Illinois</u> - Wayne County Courthouse, Upstairs Courtroom, 301 East Main Street, Fairfield.
June 21 9:30 a.m.	PCB 94-138 L-S-R	<u>Continental Waste Industries of Illinois, Inc. v. City of Mt. Vernon, Illinois</u> - Municipal Building West, Large Meeting Room, 200 Potomac Boulevard, Mt. Vernon.
June 23 10:00 a.m.	PCB 94-82 UST-FRD	<u>H.C.T.K. Inc. v. EPA</u> - Centralia City Hall, Council Chambers, 222 South Poplar Street, Centralia.

June 23 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 24 10:00 a.m.	PCB 94-124 UST-FRD	<u>Broncosky Oil Company v. EPA</u> - McHenry County Courthouse, 2200 Seminary, Woodstock.
June 29 9:00 a.m.	AC 94-16 AC	<u>Sangamon County v. Leroy Donley and Donley, Inc. (Springfield Twp./L. Donley)</u> - Pollution Control Board's Springfield Office, 600 South Second - Suite 402, Springfield.
June 29 10:30 a.m.	R 94-14 R, Air	<u>In the Matter of: Categories of Insignificant Activities of Emission Levels at a CAAPP Source, Amendments to 35 Ill. Adm. Code 201 and 211</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
June 30 9:30 a.m.	PCB 94-110 A-V	<u>Texor Petroleum Company, Inc. v. EPA</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
July 6 9:00 a.m.	PCB 94-153 P-A, Land	<u>Waste Management of Illinois, Inc. (Five Oaks Recycling & Disposal Facility) v. EPA</u> - Taylorville City Council Chambers, 115 North Main Street, Taylorville.
July 12 12:00 p.m.	PCB 93-139 A-V, Open Burning	<u>The Ensign-Bickford Company v. EPA</u> - Union County Courthouse, Commissioners' Conference Room, 311 West Market Street, Jonesboro.
July 12 11:00 a.m.	R 94-15 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - Department of Transportation Classroom, 1100 East Port Plaza Drive, Collinsville.
July 14 10:00 a.m.	PCB 93-257 A-V	<u>J.M. Sweeney Company v. EPA</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
July 14 9:00 a.m.	PCB 94-148 P-A, RCRA	<u>Chemical Waste Management, Inc. v. EPA</u> - Sauget City Hall, Council Chambers, 2897 Monsanto Avenue, Sauget.
July 14 10:00 a.m.	R 94-12 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part I: Pressure/Vacuum Relief Valves and 7.2 RVP: Amendments to 35 Ill. Adm. Code 201, 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
July 15 9:30 a.m.	PCB 94-80 UST-FRD	<u>Gunite Corporation v. EPA</u> - Winnebago County Courthouse, County Boardroom, 400 West State Street, Rockford.
July 18 9:30 a.m.	PCB 94-80 UST-FRD	<u>Gunite Corporation v. EPA</u> - Winnebago County Courthouse, County Boardroom, 400 West State Street, Rockford.
July 19 9:30 a.m.	PCB 94-80 UST-FRD	<u>Gunite Corporation v. EPA</u> - Winnebago County Courthouse, County Boardroom, 400 West State Street, Rockford.
July 22 10:00 a.m.	PCB 94-147 UST-FRD	<u>Capital Asset Corporation and Industrial Investors Limited Partnership v. EPA</u> - Winnebago County Courthouse, County Boardroom, 400 West State Street, Rockford.
July 21 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
July 26 10:30 a.m.	R 94-14 R, Air	<u>In the Matter of: Categories of Insignificant Activities of Emission Levels at a CAAPP Source, Amendments to 35 Ill. Adm. Code 201 and 211</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.

July 27 9:30 a.m.	PCB 94-145 UST-FRD	<u>PACE - Suburban Bus Division of the RTA v. EPA</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
July 27 10:30 a.m.	R 94-12 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part I: Pressure/Vacuum Relief Valves and 7.2 RVP: Amendments to 35 Ill. Adm. Code 201, 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
July 29 10:00 a.m.	PCB 94-152 UST-FRD	<u>Madison Avenue Venture v. EPA</u> - Administration Building, Meeting Room 2700A (Second Floor), 421 County Farm Road, Wheaton.
August 3 10:00 a.m.	PCB 92-164 W-E	<u>People of the State of Illinois v. Berniece Kershaw and Darwin Dale Kershaw d/b/a Kershaw Mobile Home Park</u> - Colona Council Chambers, 100 East 9th Avenue, Colona.
August 8 10:30 a.m.	R 94-14 R, Air	<u>In the Matter of: Categories of Insignificant Activities of Emission Levels at a CAAPP Source, Amendments to 35 Ill. Adm. Code 201 and 211</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
August 9 11:00 a.m.	R 94-15 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - Department of Transportation Classroom, 1100 East Port Plaza Drive, Collinsville.
August 11 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
August 18 10:00 a.m.	PCB 94-43 P-A, Open Burning	<u>American Tree Service, Inc. v. EPA</u> - Sangamon County Board Chambers, Room 201, 200 South Ninth Street, Springfield.
August 23 11:00 a.m.	R 94-15 R, Air	<u>In the Matter of 15% ROP Plan Control Measures for VOM Emissions--Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - Department of Transportation Classroom, 1100 East Port Plaza Drive, Collinsville.
August 25 10:00 a.m.	PCB 94-26 P-A, Air	<u>Marathon Oil Company v. EPA</u> - Robinson Library, 606 North Jefferson, Robinson.
August 25 10:00 a.m.	PCB 94-27 A-V	<u>Marathon Oil Company v. EPA</u> - Robinson Library, 606 North Jefferson, Robinson.
September 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
Spetember 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 6 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
November 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

December 1 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 15 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
January 12 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
February 16 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
March 16 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 20 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
May 18 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 15 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

Calendar Code

3d P	Third Party Action	A-CA	Administrative Citation
A-E	Air Enforcement	A-SA	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	L-E	Land Enforcement
L-S-R	Landfill Siting Review	L-V	Land Variance
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	RR	Regulatory Proceeding
S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule
T-C	Tax Certifications	T-S	Trade Secrets
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

ENVIRONMENTAL INFORMATION SERVICES
AVAILABLE FROM THE BOARD

The Board has the following information available:

POLLUTION CONTROL BOARD ELECTRONIC BULLETIN BOARD SYSTEM (BBS). The Pollution Control Board operates an electronic BBS at 312-814-1590. The BBS is available 24 hours a day, 7 days a week, to anyone with access to a computer and a modem - there is no charge for access to the BBS. The best communications settings are 8 data bits (or data length 8), no parity (or parity = none) and 1 stop bit, i.e., 8-N-1. The best terminal emulation is ANSI-BBS or just ANSI. The BBS contains Board Agendas, Environmental Registers, Annual Reports, and various documents about the Board. You may download these documents to your computer. For additional information contact Don Brown at the Board Offices 312-814-3461.

SUBSCRIPTION SERVICE OF BOARD OPINIONS AND ORDERS. The subscription service comprises all the Opinions and Orders issued by the Pollution Control Board in a fiscal year (July 1 through June 30). The Board meets approximately twice monthly in order to issue Opinions and Orders. Usually no later than the end of each month, a volume is issued containing the Opinions and Orders of the Board from the preceding month.

HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1993 (July 1, 1992 through June 30, 1993) ARE AVAILABLE FOR IMMEDIATE DELIVERY. The cost is \$350.00 per set.

Two formats are offered starting July 1 of last year (FY93): a hard paper copy for \$350.00 per year and an electronic version for \$275.00 per year. The electronic version will consist of Opinions and Orders in the WordPerfect 5.1 format on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software.

When ordering, please specify the choice of either the hard copy or electronic version. If ordering the electronic version, please specify 3.5" or 5.25" diskettes.

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

Enclosed is a check in the amount of _____ made payable to the Illinois Pollution Control Board for the subscription service to the Board's opinions and orders.

Name _____
(FY92 available in hard copy only).
Address _____

Fiscal Year Ordered _____

City/State/Zip _____

Hard Copy _____

Hard Copy Cost per FY: \$350.00
Electronic Copy Cost for FY93: \$275.00

Electronic Copy _____

Disk Size _____

Please send to:(5.25" 1.2 MB or 3.5" 1.44 MB)
Joseph D'Alessandro
Illinois Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, IL 60601

Printed by Authority of the State of Illinois, June 1, 1994, 2,000 copies, order #57701.

The Illinois Pollution Control Board 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. The Board Members are:

Claire A. Manning, Chairman
Springfield, Illinois

Emmett E. Dunham II
Elmhurst, Illinois

Ronald C. Flegal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Vacant

The Environmental Register is a newsletter published by the Board monthly. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

Illinois Pollution Control Board
State of Illinois Center, 11-500
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3620

Address Correction Requested.

Bulk Rate
U.S. Postage
PAID
Chicago, IL
Permit No.2088