

ENVIRONMENTAL REGISTER

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GOVERNOR APPOINTS JOSEPH YI TO BOARD

Governor Edgar announced his appointment of Joseph Yi to the Board on September 12, 1994. Mr. Yi, a retired Professional Engineer, is a resident of Park Ridge. He received his Bachelor of Science in Civil Engineering from the Illinois Institute of Technology.

Mr. Yi formerly worked for the Illinois Department of Transportation as a Transportation Engineer, Small Business Enterprise Bureau Chief, and Assistant to the Director of Finance and Administration. He was also formerly a partner in the engineering firm of Nakawatase, Rutkowski, Wynn & Yi, Inc., Director of Transportation in the Midwest Regional Office of Metcalf & Eddy, Inc., and City Engineer for the City of Evanston, Illinois. Mr. Yi held asbestos abatement Management Planner, Project Designer, and Inspector licenses.

Mr. Yi has been an active member of numerous committees and professional and civic associations throughout his career. Since his retirement, he has been active in a number of charitable and civic organizations, in the Asian-American and broader communities.

GOVERNOR EDGAR SIGNS BILLS AFFECTING ENVIRONMENTAL REGULATION

Governor Jim Edgar signed various bills in September that will or could potentially have an impact on environmental regulation in Illinois. These bills amended the Environmental Protection Act, the State Finance Act, and the Open Meetings Act. GOVERNOR SIGNS BILLS continued on page 7.

APPELLATE UPDATE

FOURTH DISTRICT AFFIRMS DENIAL OF ADJUSTED STANDARD; PETITIONER DID NOT MEET BURDEN ON ANY OF THE STATUTORY CRITERIA

In the recent Rule 23 order in *Illinois Power Co. v. PCB* (4th Dist. Sep. 12, 1994, No 4-93-0959), the Fourth District Appellate Court affirmed the Board's denial of an adjusted standard. The court held that the Board's decision in Docket AS 92-7 was not arbitrary and capricious, and that the petitioner had failed to meet its burden of proof on all statutory criteria required to justify an adjusted standard.

The petitioner sought an adjusted standard for sulfate, boron, and total dissolved solids in the discharges from its ash pond. The petitioner has discharged its effluent into the Middle Fork of the Vermilion River since 1955. The effluent limitations imposed on the discharges were predicated on achieving the general use water quality standards. The sulfate and total dissolved solids limitations sought were only slightly higher than those already imposed by the existing discharge permit, but that sought for boron was several times higher than that imposed by the permit. The Illinois EPA (Agency) recommended that the Board grant an adjusted standard and set forth recommended limitations very similar to those sought by the petitioner. The Illinois Department of Conservation (IDOC) also supported the relief.

The Middle Fork is protected to preserve its "outstanding natural, scenic, recreational, ecological, historical, and archeological value" under the Vermilion River Middle Fork Act. IDOC is charged with the responsibility of maintaining and preserving the river by regulation. (615 ILCS 95.) The segment of the river into which the petitioner discharges is federally-protected under the National Wild and Scenic Rivers Act. (16 U.S.C. §§ 1271 *et seq.*) The Committee on the Middle Fork of the Vermilion River and the Illinois Chapter of

the Sierra Club participated in the adjusted standard proceeding, opposing a grant of relief from the existing standards.

The Board denied the relief sought. The Board concluded that the record did not support the adjusted standard requested. It observed that the representations of the petitioner, the Agency, and IDOC notwithstanding, the record indicated that the existing discharges may have caused adverse impacts on the stream at levels below those of the requested adjusted standard. Further, although the petitioner sought to maintain existing discharges with no degradation of effluent quality, in the Board's opinion, the requested adjusted standard for boron would have constituted a more relaxed standard for boron.

On appeal, the issues related solely to the merits of the Board's denial of relief. Citing authority, the Third District prefaced its opinion by stating that whether the Board's decision was arbitrary or capricious is determined with reference to whether the Board (1) improperly relied on factors that the General Assembly did not intend, (2) entirely failed to consider an important aspect, (3) or offered an explanation that ran counter to the evidence or that was "so implausible that it could not be attributed to a difference in view or the product of agency expertise". The court then proceeded with its analysis, considering each of the four statutory considerations of Section 28.1(c) in turn ((1) "substantially and significantly different" factors, (2) justification for relief, (3) no adverse impact, and (4) consistency with federal law). The court stated that "the failure of the petitioner to prove any one of those elements would support the denial of the adjustment to the existing standards."

The court's analysis on each criterion examined the Board's rationale and the evidence of record. The court observed that the Board's decision was not arbitrary and capricious merely because contrary inferences were possible from the evidence, nor because the Board did not weigh the evidence in a way pleasing to the petitioner. The court stated, "The only way the decision becomes

arbitrary and capricious is if the petitioner can convince this court that, by not mentioning the evidence, the Board never considered it." On each factor, the court concluded that the record could have supported the Board's determination. Thus, the Board's determination was not arbitrary or capricious on any of the four statutory factors.

SECOND DISTRICT AFFIRMS ADMINISTRATIVE CITATIONS, HOLDS THAT CITATION CAN ISSUE AGAINST A LANDFILL OPERATOR, THE BOARD CANNOT MITIGATE PENALTY IMPOSED, AND STATE'S ATTORNEY'S FEES WERE PROPERLY ASSESSED

In *Rochelle Disposal Service, Inc. v. PCB* (2d Dist. Sept. 2, 1994, Nos. 2-93-0540 & 2-93-0694, consolidated) (affirming AC 91-45 & AC 92-26) and *Rochelle Disposal Service, Inc. v. PCB* (2d Dist. Sept. 16, 1994, Nos. 2-93-1006, 2-93-1383 & 2-93-1384, consolidated) (affirming AC 92-64, AC 91-32 & AC 92-26), the Second District Appellate Court affirmed the Board's decisions in imposing penalties and fees in five separate administrative citation actions. The actions arose through a series of inspections conducted by Ogle County at a landfill owned by the City of Rochelle, in whose name the facility permits issued. Rochelle Disposal operates the facility under contract with the City. The Ogle County State's Attorney issued the administrative citations challenged. The issues raised on appeal were similar in both consolidated cases, and the Second District rejected all the arguments in both. The decision that affirmed AC 92-64, AC 91-32, and AC 92-26 was a Rule 23 order.

The court rejected arguments that a landfill operator that did not hold the permit for the site was not a proper named respondent. The operator argued that an administrative citation could issue only against the holder of the facility permit. Looking to the use of the word "person" in the preamble language of the Section 21 prohibitions violated, the court found the language clear. It concluded that there is no limitation in the Environmental Protection Act that only a permit holder is a proper named respondent for an administrative citation. The court observed that the respondent was actually operating the landfill, and opined that the General Assembly did not intend an enforcement loophole for an operator that did not hold the facility permit.

In both cases and as to all five citations, the Second District weighed arguments that the Board's imposition of the penalty was against the manifest weight of the evidence. The court noted in both decisions (citing *Caliendo v. Martin* (1st Dist. 1993), 250 Ill. App. 3d 409, 416, 620 N.E.2d 1318, 1324), "We will find an agency's decision to be against the manifest weight of the evidence only if it can be determined from the record that all reasonable and unbiased persons, acting within the limits provided by the law and drawing all inferences in support of the finding, would agree that the finding is erroneous." It held in both cases that the records included sufficient evidence from which the Board could conclude that the violations occurred.

In the decision affirming AC 91-45 and AC 92-26, the court cited authority for the proposition that "circumstantial evidence will suffice whenever an inference may be reasonably drawn from it, and the use of circumstantial evidence is not limited to those instances in

which the circumstances support only one logical conclusion." Thus, the court accepted that circumstantial evidence of conditions at the site after the alleged violations supported a Board conclusion contrary to the respondent's inconsistent direct testimony of events at the site.

In both decisions, the court confronted whether the Board has a duty to mitigate the penalty based on circumstances. It looked to the mandatory nature of the language of Section 42(b)(4) and the lack of express language relating to mitigation in the administrative citation provision, such as appears in Section 42(h) with regard to general enforcement actions. It held that the Board is thoroughly without authority to mitigate the penalty imposed in administrative citation actions.

The respondent also argued in both cases that the Board should have determined that there was no violation because the violations occurred due to "uncontrollable circumstances", pursuant to Section 31.1(d)(2) of the Act. Examining the evidence, the court noted that "there was no evidence presented at hearing" as to why the respondent did not engage in certain measures used in the past to avoid a violation. It held that the Board's decision on the issue of uncontrollable circumstances was not against the manifest weight of the evidence.

Finally, the respondent challenged the Board's imposition of attorney's fees in the decision that affirmed AC 92-64, AC 91-32, and AC 92-26. The respondent cited Section 42(f) of the Act for the proposition that the violation must have been wilful, knowing, or repeated to support an award of attorney's fees. The court held that these factors do not apply under Section 31.1, which provides for administrative citations. The court further rejected the argument that the Board could not award fees because the action was not filed in the name of the "People of the State of Illinois".

RULEMAKING UPDATE

PART I 15% ROP PLAN FOR VOM EMISSIONS ADOPTED; PART II AND III PLANS PROPOSED FOR SECOND NOTICE; PART IV PLAN SET FOR HEARING AND PROPOSED FOR FIRST NOTICE, R94-12, R94-15, R94-16 & R94-21

On September 15, 1994, the Board undertook four separate actions relating to four different parts of the Illinois 15 percent reduction of pollution (15% ROP) plan. The Agency has filed four separate 15% ROP Plan proposals to date, which the Board is dealing with under four separate docket numbers. In sum, all the ROP plan segments would seek a 15 percent 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas, in order to fulfill requirements under the federal Clean Air Act (CAA). 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. (See issues 483, June, 1994; 484, July, 1994; 485, Aug., 1994 & 486, Sept., 1994.)

The Board accepted each of the four 15% ROP plan rulemaking proposals 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. Under Section 28.5(o), the Board must have adopted the proposal for Second Notice within 130 days on receipt of the proposal from the Agency. Section 28.5(p) requires that the Board must adopt and file final rules based on the proposal within 21 days of when it receives a Certificate of No Objection from JCAR.

Part I Proposal, R94-12

The Board adopted amendments based on the Agency's Part I ROP plan rulemaking proposal under docket R94-12. The amendments revised the volatile organic material (VOM) emissions regulations to require the use of pressure-vacuum relief valves on vent tubes at gasoline dispensing operations in both the Chicago and Metro-East areas. The amendments also require 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 indicated in filing the Part I proposal 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.

The Agency filed the Part I proposal on April 24, 1994. The Board proposed the amendments for First Notice publication in the *Illinois Register* without substantive review on May 5, 1994. The Board held a public hearing on the proposal on June 17, 1994. The Board cancelled two later scheduled hearings because the level of public interest did not warrant conducting them. The Board proposed amendments based on the proposal for Second Notice review by the Joint Committee on Administrative Rules (JCAR) on August 11, 1994. Direct questions on the Part I proposal to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-12.

Part II Proposal, R94-15

The Board proposed amendments for Second Notice review by JCAR based on the Agency's Part II ROP plan proposal under docket R94-15. The proposed Part II amendments contemplate 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 record indicated that the Part II proposal would reduce the VOM emissions by 1.3 tpd in the Chicago area and by 11.82 tpd in the Metro-East area. At the special Board meeting of September 28, 1994, in response to a joint motion filed September 23 by the Agency and the Illinois Environmental Regulatory Group (IERG), the Board made minor modifications to segments of the proposed amendments, to restore existing text originally proposed for deletion.

The Agency filed the Part II proposal with the Board on May 26, 1994. The Board held public hearings on the proposal on July 12 and August 9, 1994 in Collinsville. On June 2, 1994, the Board proposed a new Clean Air Act (CAA) rulemaking for First Notice publication in the *Illinois Register*. The Board cancelled a third scheduled hearing because the level of public interest did not warrant holding it. The Board will be free to adopt amendments based on the Part II proposal when it receives a Certificate of No

Objection from JCAR or when 45 days have elapsed from when JCAR receives the proposal for Second Notice review, whichever comes first. Direct questions on the Part II proposal to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R94-15.

Part III Proposal, R94-16

The Board proposed amendments for Second Notice review by JCAR based on the Agency's Part III ROP plan proposal under docket R94-16. The proposed Part III amendments contemplate making the standards of Parts 218 and 219, Subpart B, "Organic Emissions from Storage and Loading Operations", and Subpart V, "Total Resource Effectiveness" (TRE), more stringent. The proposed Part III plan rules would add the federal Control Technology Guidelines (CTG) and Alternative Control Technology (ACT) recommended controls for volatile organic liquids (VOLs) and volatile petroleum liquids (VPLs). The Agency anticipates that the TRE amendments will reduce VOM emissions by 4.05 tpd in the metropolitan Chicago area by 1996 and by an additional 1.58 tpd by 1999. The VOL/VPL amendments are anticipated to reduce the VOM emissions by 2.18 tpd in the Chicago area. The Agency expects no reductions in the Metro-East area.

The Agency filed the Part III ROP plan proposal on June 15, 1994. The Board proposed the Part III amendments for First Notice publication in the *Illinois Register* on June 23, 1994. The Board conducted a public hearing on the Part III plan on August 4, 1994 in Chicago. The Board cancelled two later scheduled hearings because the level of public interest did not warrant conducting them.

The Board will be free to adopt amendments based on the Part II proposal when it receives a Certificate of No Objection from JCAR or when 45 days have elapsed from when JCAR receives the proposal for Second Notice review, whichever comes first. Direct questions on the Part II proposal to Diane F. O'Neill, at 312-814-6062. Please refer to docket R94-16.

Part IV Proposal, R94-21

The Agency filed the Part IV ROP plan proposal on September 12, 1994. The Board proposed the Part IV plan amendments for First Notice publication in the *Illinois Register* on September 15, 1994. The Board has scheduled three hearings on the proposal, as described in the following paragraph. The Part IV proposal contemplates lowering the VOM content of coatings for several categories of surface coaters: the can, paper, coil, fabric, vinyl, metal furniture, baked large appliance, and miscellaneous parts and products coating categories. The Part IV proposal would also impose reductions in VOM emissions from sources in the automotive/transportation and business machine plastic parts coating categories that exceed specified emissions levels. The proposal would further make the VOM emissions limits applicable to wood furniture coating operations at a lowered threshold. The Part IV proposal would also require specified controls on synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes and on bakery industry ovens. Finally, the amendments would make a number of minor amendments and corrections to the regulations, largely in response to comments submitted by U.S. EPA and affected entities. At the special Board meeting of September 28, 1994, in response to a motion filed September 20 by the Agency, the Board made a minor modification

to the proposed amendments, to renumber a Section to accommodate an existing Section already bearing that number.

The Agency stated that it contemplates that the coatings operations amendments would reduce VOM emissions by 10.16 tpd in the Chicago area and by 0.39 tpd in the Metro-East area. It estimated that the automotive/transportation surface coating aspects of the proposal would reduce VOM emissions by 0.28 tpd in the Chicago area, but it anticipates no reductions in the Metro-East area. The Agency anticipated no VOM reductions from either of the wood furniture coating or the SOCMI amendments in the Chicago or the Metro-East areas. Rather, the Agency included the wood furniture coating controls to avoid expected future increases in emissions and the SOCMI amendments to incorporate a new federal control technology guideline (CTG) as RACT. The Agency expects a 0.98 tpd reduction in VOM emissions in the Chicago area and no reduction in the Metro-East area from the bakery oven amendments.

The Board has scheduled three days of public hearings on the Part IV ROP plan proposal. The statute requires the Board to schedule three hearing dates, 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 at the James R. Thompson Center, 100 West Randolph Street, Chicago, as follows:

- Room 9-040: 10:00 a.m., Friday, November 4, 1994
- Room 9-025: 10:00 a.m., Friday, December 2, 1994
- Room 9-040: 10:00 a.m., Friday, December 16, 1994

Direct questions on the Part IV proposal to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R94-21.

UST RULES ADOPTED, R94-2(A)

On September 15, 1994, the Board adopted regulations for underground storage tank remedial actions under docket number R94-2(A). The rules implement the extensive amendments to the LUST program adopted in P.A. 88-496. (*Issues 475, Oct. 6, 1993; 481, Apr., 1994 & 482, June, 1994.*) They establish requirements for LUST remediation and reimbursement. The regulations include 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 the audit of corrective action efforts. The Board was required by P.A. 88-496 to adopt final rules for the administration of the Illinois LUST program by September 15, 1994.

The Illinois EPA (Agency), pursuant to the mandate of P.A. 88-496, developed its regulatory proposal in conjunction with the Underground Storage Tank Advisory Committee and filed it with the Board on March 15, 1994. The Board adopted a proposal for First Notice publication in the *Illinois Register* on March 17, 1994. The

Board conducted five public hearings, concluding on June 8, 1994. At the hearings, the Agency and other participants, including the UST Advisory Committee, the Illinois Environmental Regulatory Group (IERG), the Illinois Petroleum Marketers Association, the Illinois Petroleum Council, and the Illinois Department of Transportation, offered testimony on the Agency proposal. The Board adopted an interim opinion and order on August 1, to allow additional public comments before adopting a proposal for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The Board proposed the rules for Second Notice JCAR review on August 11, 1994. (*See issue 486, Sept., 1994.*)

Simultaneously to proposing the rules for Second Notice on August 11, in response to the requests of several participants and a formal motion by IERG to sever the docket, the Board created a separate sub-docket B to consider generic clean-up objectives and alternative methodologies for determining objectives. Direct questions to Musette Vogel, at 217-524-8509. Please refer to docket R94-2.

STEEL AND FOUNDRY LANDFILL AMENDMENTS ADOPTED, R90-26(B)

On September 1, 1994, the Board adopted certain amendments to the landfill regulations. The rulemaking, subdocket B of the R90-26 steel and foundry waste landfill amendments, augment amendments adopted in the parent docket, subdocket A, on July 21, 1994. The parent rulemaking, R90-26(A), established a set of landfill regulations specific to certain wastes generated by the steel and foundry industries. (*See issues 475, Oct. 6, 1993; 478, Jan. 1, 1994; 481, Apr., 1994; 482, May, 1994 & 485, August, 1994.*) The proponents of the amendments are members of the industries that generate the wastes at issue.

The subdocket B proposed amendments added a new provision to the proposed rules relating to facility location. The Board opened subdocket B in response to requests by the Illinois Steel Group and the Illinois Cast Metal Association, the proponents of the steel and foundry waste landfill amendments. On March 31, 1994, the Board proposed the subdocket B amendments for First Notice publication in the *Illinois Register* and proposed them for Second Notice review by the Joint Committee on Administrative Rules on June 23, 1994. (*See issues 481, Apr., 1994 & 484, Aug., 1994.*)

Direct questions to Kathleen M. Crowley, at 312-814-6929. Please refer to docket R90-26.

LANDSCAPE WASTE COMPOST FACILITIES RULES PROPOSED FOR SECOND NOTICE, R93-29

On September 15, 1994, the Board proposed rules for Second Notice Review by the Joint Committee on Administrative Rules (JCAR) that would regulate landscape waste management facilities in Illinois. The proposed rules would establish performance standards for landscape compost facilities and testing procedures and standards for end-product compost derived from landscape waste and offered for sale or use in Illinois.

The Board formally accepted a December 30, 1993 proposal for landscape waste facilities from the Illinois EPA (Agency) on January 20, 1994. (*See issue 479, Feb., 1994.*) The Board conducted a public hearing on the proposal on April 15 and proposed the rules

for First Notice publication in the *Illinois Register* on June 30, 1994. See issue 484, July, 1994.) This proceeding is one of three mandated by the Act. Section 22.33 requires that the Agency proposed standards for composting landscape wastes on or before January 1, 1994, and that the Board adopt such standards by December 1, 1994. Sections 22.34 and 22.35 set forth similar mandates relating to composting organic waste and mixed municipal waste, and Section 22.35. The R93-29 proposal addresses only the Section 22.33 mandate.

The Board will be free to adopt regulations based on the proposed rules when either the Second Notice period ends, 45 days after JCAR received the Second Notice package, or upon receipt of a Certificate of No Objection from JCAR. Direct questions to Kevin G. Desharnais, at 312-814-6929. Please refer to docket R93-29.

PROCEDURAL RULES FOR APPEALS FROM STATE FIRE MARSHALL DETERMINATIONS PROPOSED FOR SECOND NOTICE, R94-11

On September 15, 1994, the Board proposed procedural rules for appeals from determinations of the Office of the State Fire Marshall (OSFM) for Second Notice review by the Joint Committee on Administrative Rules (JCAR). Under recent amendments to the Environmental Protection Act, in P.A. 88-496, effective September 13, 1993 (see issue 475, Oct. 6, 1993.), the OSFM is charged with making two new determinations in the course of remedial action relating to leaking underground petroleum storage tanks. The OSFM now makes the eligibility and deductibility determinations formerly made by the Agency. The Board is charged with hearing the owner or operator's appeals of those OSFM determinations. Although the Board has always heard those appeals when the determinations were made by the Agency, these are the first appeals of OSFM determinations that the Board has ever heard.

The proposed rules set forth the information that a petitioner must include in its petition for review. Among the proposed provisions unique to OSFM appeals is the scheduling of hearings only in Chicago and Springfield, unless the petitioner sets forth sufficient reasons in its petition for holding it elsewhere. This will avoid the parties travelling throughout the state. It will further allow scheduling multiple hearings on a single day. Other rules relate to cancelling hearings, staying the proceedings, and motions for summary judgment. Other aspects of the proposed rules either codify existing Board practices or reference existing segments of the procedural rules.

The Board opened this docket on its own subsequent to the passage of P.A. 88-496. On June 30, 1994, the Board proposed the amendments for First Notice publication in the *Illinois Register* (see issue 484, July, 1994) and conducted a public hearing in Springfield on August 22.

The Board will be free to adopt regulations based on the proposed rules when either the Second Notice period ends, 45 days after JCAR received the Second Notice package, or upon receipt of a Certificate of No Objection from JCAR. Direct questions to the hearing officer, Deborah Frank, at 217-356-5275. Please refer to docket R94-11.

WATER AMENDMENTS PROPOSED FOR FIRST NOTICE, R94-1

The Board proposed amendments to certain of the water quality amendments for First Notice publication in the *Illinois Register* on September 15, 1994. The proposed amendments would amend certain of the water quality regulations by updating various standards for ammonia nitrogen, lead, and mercury. The Board has also scheduled two public hearings to occur in November in Springfield and Chicago.

The Illinois EPA (Agency) 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. The Agency filed the proposal February 24, 1994. The Board accepted the proposal on March 17, 1994 and decided to proceed on the proposal as a federally required rule on May 5, 1994. (Issues 481, April, 1994 & 483, June, 1994.)

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 was to have proposed a First Notice rule for publication in the *Illinois Register* within six months, *i.e.*, by November 5, 1994.

The hearing officer has scheduled two days of public hearings to consider the technical merits and economic considerations associated with the proposed amendments. Those hearings are scheduled as follows:

Friday, November 10, 1994

James R. Thompson Center
Room 2-025
100 West Randolph Street
Chicago, Illinois 60601

Tuesday, November 22, 1994

Law Enforcement Training Center
600 South 2nd Street
Springfield, Illinois 62704

The Board will be free to proceed to propose the amendments for Second Notice review by the joint Committee on Administrative Rules 45 days after Notices of Proposed Amendments appear in the *Illinois Register*. Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R94-1.

SITE-SPECIFIC WATER QUALITY RULE FOR FLUORIDE APPLICABLE TO GENERAL MOTORS CORP. PROPOSED FOR FIRST NOTICE, R93-13

The Board proposed a site-specific set of amendments to a water quality regulation for fluoride for First Notice publication in the *Illinois Register* on September 1, 1994. The proposed amendments would affect the fluoride water quality standard that applies to an unnamed tributary to the Vermilion River and a segment of the Vermilion River for 0.9 stream miles downstream of the confluence to the Indiana state line. It would increase the water quality standard from 5 milligrams per liter (mg/l) to 10 mg/l.

The proposed amendments to Section 302.322 of the water pollution control regulations are based on a proposal filed June 23, 1993 by the General Motors Corporation. The Board conducted a public hearing on the proposal on April 26, 1994. The amended water quality standards would specifically increase the fluoride limitation as caused by the wastewater discharges of General Motors Corporation into the receiving stream. Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R93-13.

2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276 (phone 217-524-3333).

FOR YOUR INFORMATION

AGENCY SCHEDULES PUBLIC HEARING ON PROPOSED SO₂ SIP REVISION FOR PEORIA/TAZEWELL AREA

The Illinois EPA (Agency) has scheduled a public hearing on a proposed revision to the Peoria/Tazewell state implementation plan (SIP) for sulfur dioxide (SO₂). The area is currently designated as a nonattainment area. The Agency intends to propose to U.S. EPA that it redesignate the area as an attainment area. The proposed submittal includes a maintenance plan. The Agency is maintaining copies of the proposed plan for public inspection at its Peoria (5415 N. University Street) and Springfield (1340 North Ninth Street) offices. A copy is also available at the Peoria Public Library (107 N.E. Monroe, Peoria). The Agency has assigned this matter IEPA File 498-94.

The hearing is scheduled for 11:00 a.m., Tuesday, October 25, 1994, at the Peoria Public Library, 2nd Floor Meeting Room, 107 E. Monroe, Peoria. The Agency stated that the record will close on Tuesday, November 1, 1994. Interested persons should direct comments to John Williams, Agency Hearing Officer, Illinois EPA, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276 (phone 217-782-5544). Interested persons should direct questions to Rachel Doctors, Illinois EPA,

GOVERNOR SIGNS BILLS continued from page 1.

P.A. 88-602 (formerly SB 1296), signed and effective September 1, 1994 amended Section 22.2(j)(6)(E)(v)(VI) of the Environmental Protection Act. The amendment changes a Phase I environmental audit requirement. It decreased the time from 75 years to 50 years for which a property owner is responsible for researching the business records for the property to determine whether there was a release or is a threatened release of hazardous substance or pesticide.

P.A. 88-621 (formerly HB 1332), signed September 9 and effective January 1, 1995, amended the exceptions to the Open Meetings Act (5 ILCS 120). The statute now provides, inter alia, that a "quasi-adjudicative body" may meet in closed session to consider "evidence or testimony . . . , provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning." Under the new amendments, an agency must vote at an open meeting to conduct a closed meeting, citing and publicly disclosing the specific exception authorizing the closed meeting. Further, instead of a "general description of all matters proposed, discussed, or decided, and a record of any votes taken" at the closed meeting, the amendments require a "summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken". Also, the amendments changed from 24 hours to 48 hours the advanced notice an agency must give of its meetings. Finally, the amendments extended from 45 days to 60 days the time within which a complainant may file an action for enforcement of the Open Meetings Act.

P.A. 88-633 (formerly HB 3192), signed September 9 and effective January 1, 1995, amended the prohibition against land application of untreated grease trap sludge in Section 22.30 of the Environmental Protection Act. It now prohibits the introduction of this material into any sewage treatment works or the collection system for any treatment works without the express authorization of the owner or operator of the works. It also now prohibits the transportation of this material off-site without accompanying specific documentation and requires shippers, transporters, and receiving entities to retain records of the shipments for a minimum of two years after disposal of the material. The amendments authorize owners and operators of sewage treatment works to establish a program for registration and licensing for collection and transportation of grease trap sludge, and to charge a fee to recover the costs of any such program.

P.A. 88-668 (formerly SB 1721), signed and effective September 16, 1994, was an omnibus environmental bill. The bill amended the Section 3.76 definition of "coal combustion waste" to include fly ash with 10 percent or less fuel grade petroleum

coke, so that this material would be disposed of in the same way as other coal combustion waste. It amended Section 39.5 of the Act to clarify that an owner or operator of a new air pollution source subject to the Clean Air Act Program (CAAP) must submit a completed permit application within 1 year after commencing operations. The amendments to Section 39.5 further clarify that an owner or operator of a source that first becomes subject to the CAAP due to a change in operations must submit a permit application at least 180 days before commencing operations. The amendments of Section 39.5 also clarify that the fee for a federally-enforceable state operating permit (FSOP) for an air pollution source that emits less than 25 tons per year of regulated air pollutants is the same \$100.00 fee as that in the CAAP for a source emitting less than 25 tons per year. Formerly, the FSOP fee was \$1,000.00. An amendment to Section 44(f) corrected a typographical error, changing "justifiable risk" to "unjustifiable risk" in the definition of the crime of reckless disposal of hazardous waste. It removed the condition "or may otherwise cause property damage" from the criteria that automatically place a leaking underground storage tank (LUST) into the high priority risk classification for remedial action in Sections 57.7 and 57.8 of the Environmental Protection Act. Finally, the bill added Section 5.386 to the State Finance Act (30 ILCS 105) to create the new Clean Air Act (CAA) Fund. Although formerly referenced in other statutes two years ago when the General Assembly created the CAAP (but not to be collected until some time in 1995), this amendment actually created the fund in the state treasury for the Comptroller's management of the funds collected in administration of the CAAP.

FINAL ACTIONS - September 1, 1994 BOARD MEETING

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| 93-15 | <u>Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine</u> - The Board granted summary judgment in favor of the Winnebago County respondent in this citizens' noise enforcement action. | 94-106 | <u>Sheridan Towers Partnership, Beneficiary under Trust No. 118462 LaSalle National Trust, N.A. Trustee v. Office of the Illinois State Fire Marshall</u> - The Board granted voluntary withdrawal of this underground storage tank fund reimbursement determination appeal involving a Cook County facility. |
| 93-139 | <u>The Ensign-Bickford Company v. EPA</u> - The Board granted this Union County petitioner a five-year air variance with conditions, which essentially extends the term of the variance previously granted August 22, 1991 in PCB 90-242, to allow open burning of explosive waste. | 94-171 | <u>Granite City Steel Division, National Steel Corporation v. EPA</u> - The Board granted voluntary withdrawal of this underground storage tank fund reimbursement determination appeal involving a Madison County facility. |
| 93-249 | <u>Glenbard Wastewater Authority v. EPA</u> - The Board granted voluntary withdrawal of this NPDES permit appeal involving a DuPage County facility. | 94-189 | <u>Unocal Corporation v. Office of the State Fire Marshall</u> - The Board granted voluntary withdrawal of this underground storage tank fund reimbursement determination appeal involving a Cook County facility. |
| 93-257 | <u>J.M. Sweeney Co. v. EPA</u> - The Board granted this Cook County motor vehicle fueling facility a variance until March 31, 1995 from certain of the air pollution control regulations that require the installation of Stage II vapor recovery equipment to control the emissions of volatile organic material. | 94-203 | <u>Citizens Utilities Company of Illinois and the Village of Plainfield v. IEPA and the Village of Bolingbrook</u> - The Board dismissed this third party NPDES permit appeal involving a Will County facility for lack of subject matter jurisdiction. |
| 94-18 | <u>City of Wheaton v. Office of the State Fire Marshall</u> - The Board granted summary judgment, affirming the determination of the Office of the State Fire Marshall, in the underground storage tank fund reimbursement determination appeal involving a DuPage County facility. | 94-239 | <u>Department of the Army, Rock Island District, Corps of Engineers v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day provisional variance from certain of the water pollution control effluent and water quality regulations applicable to discharges of iron, sulfate, and manganese, to allow continued operations during a period of rehabilitation work on 11 pressure relief wells in Hancock, Adams, and Pike Counties. |
| 94-47 | <u>Dart Container Corporation of Illinois v. EPA</u> - The Board granted voluntary withdrawal of this underground storage tank fund reimbursement determination appeal involving a Kane County facility. | AC 94-43 | <u>EPA v. Raymond E. Bennington and Jane Bennington</u> - The Board entered a default order, finding that the Livingston County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil |
| 94-80 | <u>Gunite Corporation v. EPA</u> - The Board granted voluntary withdrawal pursuant to a jointly-filed stipulation of settlement and dismissed this underground storage tank fund reimbursement determination appeal involving a Winnebago County facility. | | |

penalty of \$500.00.

AC 94-44 EPA v. John Svendsen - The Board entered a default order, finding that the Macon County respondent had violated Sections 21(p)(1) and (p)(3) of the Act and ordering him to pay a civil penalty of \$1,000.00.

AC 94-45 EPA v. Gallatin National Company - The Board entered a default order, finding that the Fulton County respondent had violated Section 21(o)(13) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 94-46 EPA v. Abundant Life Pentecostal Church - The Board entered a default order, finding that the Vermilion County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 94-53 County of DuPage v. Waste Management of Illinois - The Board entered a default order, finding that the DuPage County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 94-55 EPA v. Ron Fijal d/b/a Ronny's Gear Service - The Board entered a default order, finding that the Cook County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 94-57 EPA v. Joseph Powell and Della Powell - The Board entered a default order, finding that the Menard County respondents had violated Sections 21(p)(1) and (p)(3) of the Act and ordering them to pay a civil penalty of \$1,000.00.

AC 94-62 EPA v. Wesley Simpson - The Board entered a default order, finding that the Peoria County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

AS 92-13 In the Matter of: Petition of Alumax Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218 - The Board granted this Grundy County facility an adjusted standard with conditions from certain of the air pollution control regulations pertaining to emissions of volatile organic material emissions from "other emis-

sion units".

AS 93-8 In the Matter of: Petition of Akzo Chemicals, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.105 and 302.208 - The Board granted this Grundy County facility an adjusted standard with conditions from the general use water quality standards applicable to Aux Sable Creek and the Illinois River for boron, chloride, sulfate, and total dissolved solids.

R90-26(B) In the Matter of: Foundry & Steel Industry Amendments to the Landfill Regulations, 35 Ill. Adm. Code 817 - See Rulemaking Update.

NEW CASES - September 1, 1994 BOARD MEETING

94-178 Herrin Security Bank v. Shell Oil Company - The Board determined that this citizen's land enforcement action involving a Williamson County facility was not frivolous and duplicitous and set it for hearing.

94-198 Caterpillar, Inc. (Mapleton Facility) v. IEPA - The Board accepted this land variance involving a facility in Peoria County for hearing.

94-204 Mary Lou Powell v. Mr. M. Ceisel and Laser Express Auto Bath - The Board determined that this citizen's noise enforcement action against a DuPage County facility was not frivolous and duplicitous and set it for hearing.

94-220 People of the State of Illinois v. City of Gillespie, Macoupin County; John Crawford, d/b/a Knostman Crawford Associates; and H

- & H Mechanical and Electrical Contractors, Inc. - The Board accepted this water pollution control enforcement action against a Macoupin County facility for hearing. 94-233 IEPA - Amoco Oil Company v. IEPA - The Board accepted this solid waste permit appeal involving a DeKalb County recycling facility for hearing.
- 94-221 People of the State of Illinois v. Harper Oil Company - The Board accepted this underground storage tank enforcement action against a Effingham County facility for hearing. 94-234 Amoco Oil Company v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a DuPage County facility for hearing.
- 94-222 Village of Hoffman Estates v. IEPA - The Board ordered the submission of more information in this public water supply variance matter involving a Cook County facility. 94-235 Amoco Oil Company v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a DuPage County facility for hearing.
- 94-223 J. I. Case Company v. IEPA - The Board held this underground storage tank cleanup objectives appeal involving a Rock Island County facility. 94-236 J. R. Meyers Company, Inc. v. IEPA - The
- 94-224 Stickney-Forest View Public Library District v. Office of the State Fire Marshal - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Cook County facility for hearing.
- 94-225 Amoco Oil Company v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a DuPage County facility for hearing.
- 94-226 Boutin Cleaners v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Lake County facility for hearing.
- 94-227 Western Lion Limited v. IEPA - The Board accepted this landscape waste facility permit appeal involving a Coles County facility for hearing.
- 94-228 People of the State of Illinois v. ABC Rail Products Corporation - The Board received a proposed stipulation and settlement agreement in this air enforcement action against a Cook County facility and ordered publication of the required newspaper notice.
- 94-229 Village of Creve Coeur v. IEPA - The Board held this water well setback exception petition involving a Tazewell County facility.
- 94-230 Bargain Auto Rental, Inc./Budget Rent A Car v. Office of the State Fire Marshal - The Board held this underground storage tank fund reimbursement determination appeal involving a DuPage County facility.
- 94-231 National Steel Corporation, Granite City Division v. IEPA - The Board accepted this on-site landfill permit appeal involving a Madison County facility for hearing.
- 94-232 Browning-Ferris Industries of Illinois, Inc. v.

Board ordered the submission of more information in this underground storage tank fund reimbursement determination appeal involving a Lake County facility.

- 94-237 Marathon Oil Company v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Cook County facility for hearing.

- 94-238 Ragulo Gonzalez v. Office of the State Fire Marshal - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Winnebago County facility for hearing.

- 94-239 Department of the Army, Rock Island District, Corps of Engineers v. IEPA - See Final Actions.

- AS 94-13 In the Matter of: Petition of Browning-Ferris Industries of Illinois, Inc.; Browning-Ferris Industries of Iowa, Inc.; and, BFI Modern Landfill, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.714(b) - The Board accepted this petition for an adjusted standard from certain of the landfill financial responsibility requirements for hearing, for facilities in Lake, DuPage, Rock Island, Ogle, and St. Clair Counties.

FINAL ACTIONS - September 15, 1994 BOARD MEETING

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| <p>92-33 <u>Erich J. Mandel v. Thaddeus G. Kulpaka</u> - The Board construed the respondent's silence as consent to the petitioner's motion for voluntary dismissal and dismissed this land and water pollution complaint against a Cook County respondent, as well as the respondent's counterclaim.</p> | <p>93-136 <u>Safety-Kleen Corp. (Caseyville Service/Accumulation Center) v. EPA</u> - The Board granted voluntary withdrawal of this RCRA permit appeal involving a St. Clair County facility.</p> |
| <p>92-123 <u>Chemrex, Incorporated v. EPA</u> - In response to a joint report filed by the parties that stated that they agreed that the decision in <u>Chemrex, Inc. v. PCB</u> (1st Dist. 1993), 257 Ill. App. 3d 274, 628 N.E.2d 963, determined that the tanks at issue were eligible for reimbursement, the Board remanded this underground storage tank fund reimbursement determination appeal involving a Cook County facility to the Agency for determination of the appropriate deductible amount and the reasonableness of costs.</p> | <p>93-145 <u>People of the State of Illinois v. Monarch Asphalt Company</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County respondent, ordered the respondent to pay a civil penalty of \$9,000.00, and ordered it cease and desist from further violation.</p> |
| <p>93-79 <u>Pace Suburban Bus Division of RTA v. EPA</u> - In response to cross motions for summary judgment, the Board determined that the Cook County tanks were registered with the Office of the State Fire Marshall and eligible for reimbursement, and it remanded this underground storage tank fund reimbursement determination appeal to the Agency for determination of the appropriate deductible amount and the reasonableness of costs.</p> | <p>94-1 <u>People of the State of Illinois v. Robert D. Fosnock, d/b/a Fos Auto and Truck Parts</u> - The Board found that this Macoupin County respondent had violated the used tire management and land pollution control provisions of the Act and Board regulations in this land pollution control enforcement action, ordered the respondent to pay a \$156,250.00 civil penalty, and ordered it to cease and desist from further violation.</p> |
| | <p>94-155 <u>Cabot Corporation v. EPA</u> - The Board granted this Douglas county facility a variance from a condition to the variance from certain of the underground injection control regulations granted March 25, 1993 in docket PCB 92-179.</p> |

- 94-159 Grimm's Diversified Service Corp. v. EPA - The Board granted voluntary dismissal of this underground storage tank fund reimbursement determination appeal involving a Tazewell County facility. \$500.00.
- AC 94-65 EPA v. Thomas J. Martin - The Board entered a default order, finding that the Champaign County respondent had violated Sections 21(p)(1) and (p)(4) of the Act and ordering him to pay a civil penalty of \$500.00.
- 94-165 Robert J. Sheehy & Sons Funeral Home v. EPA - The Board dismissed this underground storage tank fund reimbursement determination appeal involving a Cook County facility because the petitioner did not timely file an amended petition as ordered on June 30, 1994.
- AC 94-67 EPA v. Kirk Dana - The Board entered a default order, finding that the Henry County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.
- 94-251 City of Waterloo v. EPA - Upon receipt of an Agency recommendation, the Board granted this Monroe County drinking water supplier a 45-day provisional variance to allow it to obtain water main construction permits while it is on restricted status for insufficient capacity.
- R94-2(A) In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - See Rulemaking Update.
- R94-12 In the Matter of: 15% ROP Pan Control Measures for VOM Emissions--Part I: Pressure/Vacuum Relief Valves and 7.2 RVP, 35 Ill. Adm. Code 201, 211, 218 & 219 - See Rulemaking Update.
- 94-252 Citizens Utilities Company of Illinois v. EPA - Upon receipt of an Agency recommendation, the Board granted this DuPage County drinking water supplier a 45-day provisional variance to allow it to obtain water main construction permits while it is on restricted status for insufficient water storage capacity.
- 94-253 Austeel Lemont Company, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 30-day provisional variance from the 90-day limitation on accumulation of hazardous waste.
- 94-254 City of Knoxville v. EPA - Upon receipt of an Agency recommendation, the Board granted this Knox County wastewater treatment facility a 45-day provisional variance from the excess flow limitation requirements of the water pollution control regulations during a period of plant repairs.
- AC 94-16 Sangamon County v. Leroy Donley and Donley, Inc. - The Board dismissed this administrative citation as to the personal respondent and entered a default order against the Sangamon County corporate respondent, finding that it had violated Sections 21(p)(1) and (p)(3), ordering the complainant to submit a statement of hearing costs, and deferring imposition of a penalty and costs.
- AC 94-63 Sangamon County v. Halverson Construction Company, Inc. - The Board entered a default order, finding that the Sangamon County respondent had violated Sections 21(p)(1), (p)(3), and (p)(4) of the Act and ordering it to pay a civil penalty of \$1,000.00.
- AC 94-64 EPA v. John Hunt - The Board entered a default order, finding that the DeWitt County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of

NEW CASES - September 15, 1994 BOARD MEETING

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| 94-229 | <u>Village of Creve Coeur v. EPA</u> - The Board accepted this water well setback exception petition involving a Tazewell County facility for hearing. | | <u>Brothers Concrete Products, Inc.</u> - The Board accepted this air enforcement action against a Madison County facility for a mandatory hearing. |
| 94-230 | <u>Bargain Auto Rental, Inc./Budget Rent A Car v. Office of the State Fire Marshal</u> - The Board accepted this underground storage tank fund reimbursement determination appeal involving a DuPage County facility for hearing. | 94-246 | <u>People of the State of Illinois v. Odum Concrete Products, Inc.</u> - The Board accepted this air enforcement action against a Williamson County facility for a mandatory hearing. |
| 94-240 | <u>International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974; and Citizens For a Better Environment v. Caterpillar, Inc.</u> - The Board held this citizens' RCRA enforcement action against a Tazewell County facility for a frivolous and duplicitous determination. | 94-247 | <u>Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Bradley Sauer, Chairman; Kane County Cougars, William Larsen, General Manager</u> - The Board held this citizen's air and noise enforcement action against a Kane County facility for a frivolous and duplicitous determination. |
| 94-241 | <u>Crop Production Services, Inc. v. EPA</u> - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Randolph County facility for hearing. | 94-248 | <u>People of the State of Illinois v. Comerica Bank</u> - The Board received a proposed stipulation and settlement agreement in this air enforcement action against a Cook County facility and ordered publication of the required newspaper notice. |
| 94-242 | <u>People of the State of Illinois v. Central Lake County Joint Action Water Agency</u> - The Board received a proposed stipulation and settlement agreement in this water enforcement action against a Lake County facility and ordered publication of the required newspaper notice. | 94-249 | <u>People of the State of Illinois v. Village of Rock City</u> - The Board received a proposed stipulation and settlement agreement in this water enforcement action against a Stephenson County facility and ordered publication of the required newspaper notice. |
| 94-243 | <u>ESG Watts, Inc. v. EPA</u> - The Board accepted this RCRA permit appeal involving a Randolph County facility for hearing. | 94-250 | <u>William Bartz v. EPA</u> - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Cook County facility for hearing. |
| 94-244 | <u>Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Bradley Sauer, Chairman; Kane County Board, Warren Kammerer, Chairman</u> - The Board held this citizen's water enforcement action against a Kane County facility for a frivolous and duplicitous determination. | 94-251 | <u>City of Waterloo v. EPA</u> - See Final Actions. |
| 94-245 | <u>People of the State of Illinois v. Klueter</u> | 94-252 | <u>Citizens Utilities Company of Illinois v. EPA</u> - See Final Actions. |
| | | 94-253 | <u>Austeel Lemont Company, Inc. v. EPA</u> - See Final Actions. |
| | | 94-254 | <u>City of Knoxville v. EPA</u> - See Final Actions. |

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.

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| October 4
1:00 p.m. | AC 94-8
AC | <u>EPA v. Atkinson Landfill Company (Henry County Landfill #2)</u> - E.M.A. office, Henry County Jail, Cambridge. |
| October 6
10:30 a.m. | | Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago |

October 12 9:00 a.m.	PCB 94-127 L-E	<u>People of the State of Illinois v. James Lee Watts, individually and d/b/a Watts Trucking Service, Inc., and ESG Watts, Inc. - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.</u>
October 12 10:00 a.m.	PCB 94-207 P-A, Land	<u>Wilmer Brockman, Jr. and First Midwest Bank/Illinois, as Trustee under Trust No. 757 v. EPA - Sheriff's Training Room, 707 Aetna Road, Ottawa.</u>
October 13 10:00 a.m.	PCB 94-74 A-E	<u>People of the State of Illinois v. Glen Fearneyhough, d/b/a Beardstown Lumber & Ready Mix - Beardstown City Hall, Courtroom, 101 West 3rd Street, Beardstown.</u>
October 13 10:00 a.m.	PCB 94-208 P-A, Air	<u>A.E. Staley Manufacturing Co. v. EPA - Decatur Civic Center, Third Floor, Small Conference Room, 1 Gary K. Anderson Plaza, Decatur.</u>
October 14 9:30 a.m.	AS 94-11 Land	<u>In the Matter of: Petition of Winnebago Reclamation Service, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.710(c) and 811.713(c)(1) - County Boardroom, 400 West State Street, Rockford.</u>
October 19 10:00 a.m.	PCB 94-98 L-S-R, 3d P	<u>Beardstown Area Concerned Citizens for a Better Environment v. City of Beardstown and Southwest Energy Corp. - Elk's Club, 205 East Second Street, Beardstown.</u>
October 20 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.	PCB 94-134 A&W-E	<u>People of the State of Illinois v. Bakley Construction Corp. - McHenry County Government Center, Room B358, 2200 North Seminary, Woodstock.</u>
October 25 10:00 a.m.	AS 94-12 Land	<u>In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 807.665(b) and 811.714(b) - Christian County Courthouse, Board Room, 2nd Floor, 101 North Main Street, Taylorville.</u>
October 25 1:00 p.m.	PCB 94-146 N-E, Citiz.	<u>Dorothy L. Hoffman v. City of Columbia - Columbia City Hall, City Council Room, 208 South Rapp, Columbia.</u>
October 27 10:00 a.m.	PCB 94-200 L-V	<u>Illinois Landfill, Inc. v. EPA - Vermilion County Courthouse Annex, Room 213, 6 North Vermilion Street, Danville.</u>
October 28 10:00 a.m.	PCB 94-26 P-A, Air	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson, Robinson.</u>
October 28 10:00 a.m.	PCB 94-27 A-V	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson, Robinson.</u>
November 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
November 4 10:00 a.m.	R 94-21 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part IV: Amendments to 35 Ill. Adm. Code 211, 218 & 219 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
November 9 9:30 a.m.	PCB 93-205 P-A, RCRA	<u>Safety-Kleen Corporation (Dolton Recycling Center) v. EPA - James R. Thompson Center, 100 West Randolph Street, Room 11-500, Chicago.</u>
November 10 10:30 a.m.	R 94-1 R, Water	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 302.202, 302.208, 302.212, 302.213, 302.407, 304.122 & 304.301 (Ammonia Nitrogen, Lead, and Mercury) - James R. Thompson Center, Room 2-025, 100 West Randolph Street, Chicago.</u>
November 15 10:00 a.m.	AS 91-13 Water	<u>In the Matter of: Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - Rock Island City Hall, Council Chambers, 1528 Third Avenue, Rock Island.</u>
November 16 9:30 a.m.	AS 91-13 Water	<u>In the Matter of: Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - Rock Island City Hall, Council Chambers, 1528 Third Avenue, Rock Island.</u>

November 17 9:00 a.m.	PCB 94-176 P-A, Land	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. EPA</u> - Springfield Municipal Building, City Council Chambers, Third Floor, 7th and Monroe Streets, Springfield.
November 17 10:00 a.m.	PCB 94-215 UST-FRD	<u>Stroh Oil Company v. Office of the State Fire Marshal</u> - Pollution Control Board Office, 600 South Second Street, Suite 402, Springfield.
November 18 10:00 a.m.	PCB 94-150 A&N, Citiz.	<u>Angela M. White v. Terry & Billie Van Tine & Schneider Transport, Inc.</u> - City Council Chambers, 211 North Hamilton, Monticello.
November 18 9:00 a.m.	PCB 94-176 P-A, Land	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. EPA</u> - Springfield Municipal Building, City Council Chambers, Third Floor, 7th and Monroe Streets, Springfield.
November 22 10:30 a.m.	R 94-1 R, Water	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 302.202, 302.208, 302.212, 302.213, 302.407, 304.122 & 304.301 (Ammonia Nitrogen, Lead, and Mercury)</u> - Law Enforcement Training Center, 600 South 2nd Street, Suite 300, Springfield.
December 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 2 10:00 a.m.	R 94-21 R, Air	<u>In the Matter of: `5% ROP Plan Control Measures for VOM Emissions--Part IV: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 2-025, 100 West Randolph Street, Chicago.
December 7 10:00 a.m.	AC 94-37 AC	<u>County of Ogle v. City of Rochelle, Owner/Operator, and Rochelle Disposal Service, Inc., Operator under Contract ((Rochelle Municipal #2 Landfill) Ogle County Docket No.--None)</u> - Ogle County Courthouse, Conference Room #5, 110 South Fourth Street, Oregon.
December 7 10:00 a.m.	AC 94-39 AC	<u>County of Macon and IEPA v. Macon County Landfill Corp.</u> - Ogle County Courthouse, Conference Room #5, 110 South Fourth Street, Oregon.
December 12 10:00 a.m.	PCB 94-191 P-A, NPDES	<u>Arco Products Company, a Division of Atlantic Richfield Company v. EPA</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
December 14 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 15 10:00 a.m.	PCB 94-195 L-S-R	<u>Land and Lakes Co., JMC Operations, Inc., and NBD Trust Company of Illinois, as Trustee under Trust No. 2624 EG v. Village of Romeoville</u> - Village Hall Board Room, 13 Montrose Drive, Romeoville.
December 16 10:00 a.m.	R 94-21 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part IV: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, 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-CAAdministrative Citation

A-E	Air Enforcement	A&N-E Air and Noise Enforcement
A-S	Adjusted Standard	A-V Air Variance
A&W-E	Air and Water Enforcement	Citiz. Citizens' Action
CSO	Combined Sewer Overflow Exception	EPCRA-E Emergency Planning and Community Right to Know Act Enforcement
GW	Groundwater	HW Delist RCRA Hazardous Waste Delisting
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
R	Regulatory Proceeding	RCRA Resource Conservation and Recovery Act proceeding (hazardous waste only)
RCRA-E	RCRA Enforcement	RCRA-V RCRA Variance
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
WWSE	Water-Well Setback Exception	

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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. Flemal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Joseph Yi
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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.

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