



ENVIRONMENTAL REGISTER



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RULEMAKING UPDATE

Board Accepts for Hearing Proposal for Rulemaking in In the Matter of Proportionate Share Liability, Amendments to 35 Ill. Adm. Code 742, R97-16

On February 5, 1998, the Board accepted for hearing a proposal of the Illinois Environmental Protection Agency to add a new Part 741 to the Board's waste disposal regulations. The proposed rules would establish procedures for implementing a proportionate share liability scheme established by Public Act 89-443, effective July 1, 1996. This amendatory legislation added a new liability section to Title XVII of the Environmental Protection Act (Act). Specifically, Section 58.9 of the Act (415 ILCS 5/58.9 (1996)) repealed joint and several liability in environmental actions and replaced it with proportionate share liability. The statutory deadline for the completion of this rule is January 1, 1999. See Pub. Act 90-484, eff. August 17, 1997 (amended 415 ILCS 5/58.9 (1996)). Hearings in this matter will be scheduled in the near future.

Please direct any questions regarding this rulemaking to Cynthia Ervin at 217/524-8509; e-mail address: cervin@pcb084r1.state.il.us ♦
(Rulemaking Update Cont'd on p.2)

FEDERAL ACTIONS

United States Environmental Protection Agency Issued Its Draft "Guidance for States on Implementing the Capacity Development Provisions of the 1996 Amendments to the Safe Drinking Water Act" for Public Comment

On February 5, 1998, the United States Environmental Protection Agency (USEPA) issued for public comment its draft "Guidance for States on Implementing the Capacity Development Provisions of the 1996 Amendments to the Safe Drinking Water Act." 63 Fed. Reg. 6018 (February 5, 1998). The USEPA is also announced the availability of the following related draft documents for public review and comment: Information for States on Implementing the Capacity Development Provisions of the Safe Drinking Water Act (SDWA) and Information for the Public on Participating with States in Preparing Capacity Development Strategies.

The 1996 SDWA Amendments are intended to bring significant improvements to the national drinking water program. Capacity development is an important component of the SDWA's focus on preventing problems in drinking water. The capacity development provisions offer a framework within which states and water systems can work together to ensure that systems acquire and maintain the technical, financial, and managerial capacity needed to achieve the public health protection objectives of the SDWA.

The draft guidance published and the draft information documents being made available are the result of a "thorough stakeholder consultation process" initiated by USEPA and its National Drinking Water Advisory Council (NDWAC). The NDWAC was established by the original SDWA as a diverse group of stakeholders to advise the USEPA regarding the implementation of the capacity development provisions of the SDWA Amendments of 1996.

USEPA invites public comments be directed by April 6, 1998, to Peter E. Shanaghan, Small Systems Coordinator, USEPA, 401 M Street, (Cont'd on p.4)

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RULEMAKING UPDATE

Board Adopts Second Notice Proposal in In the Matter of Amendments to 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management), R98-12

On February 5, 1998, the Board adopted a second-notice proposal, amending Parts 703, 720, 721, 724, 725, 728, and 733 as they relate to standards for universal waste management. This rulemaking was based on legislation signed into law as Public Act 90-502 on August 19, 1997, by Governor Jim Edgar (Pub. Act 90-502, eff. August 19, 1997 (amended 415 ILCS 5/22.23a (1996))). This legislation designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. The legislation further requires that the Board complete this rulemaking on or before April 15, 1998.

Specifically, the proposal amends Part 733 to designate mercury-containing lamps, which are currently classified as hazardous waste, as universal waste. The purpose of classifying the waste as universal waste is to reduce the amount of hazardous waste in the municipal solid waste stream, to encourage recycling and proper disposal of common hazardous wastes, and to reduce the regulatory burden on businesses that generate waste. In Subpart A of Part 733, mercury-containing lamps were added to Section 733.101 in order for mercury-containing lamps to be managed as universal waste. New definitions of electric lamp and mercury-containing lamps were added to Section 733.106. In the same section, mercury-containing lamps were added to the definition of large quantity handler of universal waste, small quantity handler of universal waste, and universal waste. A new section 733.107 was proposed regarding the applicability of the provisions. Specifically, the new provisions provide that used mercury-containing lamps become waste on the date that the handler permanently removes it from its fixture, and an unused mercury-containing lamp becomes waste on the date that the handler decides to discard it. The Board also proposes to amend Parts 703, 720, 721, 724, 725, and 728 to conform to the amendments to Part 733. Finally, the proposed amendments also contain some non-substantive grammatical, typographical, and mechanical changes to the proposal to conform the proposal to codification requirements.

Please direct any questions regarding this rulemaking to Cynthia Ervin at 217/524-8509; e-mail address: cervin@pcb084r1.state.il.us ♦

Board Adopts First Notice Proposal in In the Matter of Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, 848, R98-9

On February 5, 1998, the Board adopted for first notice publication in the *Illinois Register* a proposal for amendments to the Board's municipal solid waste landfill rules (35 Ill. Adm. Code 811, 813 and 848). On August 11, 1997, the Illinois Environmental Protection Agency and the National Solid Waste Management Association (collectively, proponents) filed a joint proposal for amendments to 35 Ill. Adm. Code 811, 813, and 848. On August 21, 1997, the Board accepted the proposal for public comment and added 35 Ill. Adm. Code 848.104 to the proposal for public comment. On October 27, 1997, and November 19, 1997, the Board held hearings in this matter.

In general there are four reasons for the amendments as proposed by the proponents: (1) to ease certain requirements that drive up costs without commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to remain consistent with the federal Resource Conservation and Recovery Act Subtitle D program. Upon publication of the proposed amendments in the *Illinois Register*, a 45-day public comment period will commence whereby any written comments may be directed to the Clerk of the Board.

Please direct any other questions to Marie Tipsord at 312/814-4925; e-mail address: mtipsord@pcb084r1.state.il.us ♦

Board Adopts First Notice Proposal in In the Matter of Clean-Up Amendments to 35 Ill. Adm. Code 215, R98-15

On February 5, 1998, the Board adopted for first-notice publication in the *Illinois Register* clean-up amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources located outside the Chicago and Metro East Ozone Non-attainment Areas). On October 30, 1997, the Illinois Environmental Protection Agency (IEPA) filed a petition for rulemaking to achieve further consistency between Subparts A, F, and Z of Part 215 and other Board regulations dealing with volatile organic material (VOM) emissions from stationary emission sources.

A principle feature of the proposal is the deletion of provisions from Part 215 that are duplicated in 35 Ill. Adm. Code 211, 218, and 219. These include duplicated definitions and various duplicated provisions that apply only in non-attainment areas of the State. The IEPA also recommends deletion of several obsolete provisions in Part 215, addition to Part 215 of certain exemption

provisions available to emission units in non-attainment areas, and change of some word usage to comport Part 215 with other Board VOM regulations. Upon publication of the proposed amendments in the *Illinois Register*, a 45-day public comment period will begin. All written comments may be filed with the Clerk of the Board.

Please direct any other questions regarding this rule-making to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us ♦

Board Adopts Rules in In the Matter of Safe Drinking Water Update: United States Environmental Protection Agency Regulations, January 1, 1997, through June 30, 1997, R98-2

On February 19, 1998, the Board adopted amendments to update 35 Ill. Adm. Code 611 of the Board's regulations with rules that are identical in substance to certain United States Environmental Protection Agency's (USEPA) regulations implementing the Safe Drinking Water Act. It includes corrections to the federal rules, as adopted by USEPA on March 5, 1997 (62 Fed. Reg. 10168 (March 5, 1997)).

This rulemaking adopts revisions to Part 611 regarding radiological monitoring and analytical requirements. More specifically, it approves the use of 66 additional analytical methods for compliance with current radionuclide drinking water standards and monitoring requirements.

Pursuant to Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1996)), the Board must expeditiously adopt regulations that are identical in substance to federal regulations. Section 17.5 also provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-35, 5-45 (1996)) do not apply. Because this

rulemaking is not subject to Section 5 of the APA, it was not subject to first-notice requirements or second notice review by the Joint Committee on Administrative Rules. The Board adopted this proposal on December 4, 1997. The proposal was published in the *Illinois Register* on December 26, 1997 (22 Ill. Reg. 16956 (December 26, 1997)). One public comment was filed by the Illinois Environmental Protection Agency, requesting several nonsubstantive grammatical changes. Those requested changes have been incorporated into the final opinion and order.

Any further questions regarding this rulemaking may be directed to Amy Muran Felton at 312/814-7011; e-mail address: amuranfe@pcb.084r1.state.il.us ♦

Board Dismisses Reserved Identical-In-Substance Update Dockets, R98-18, R98-19, R98-20, R98-22

On February 19, 1998, the Board dismissed four dockets reserved for updates of identical-in-substance rules in various programs. Dockets were dismissed because the United States Environmental Protection Agency (USEPA) did not amend its rules during the period from July 1, 1997, through December 31, 1997, and, therefore, no Board action is necessary. The dismissed dockets were: R98-18 entitled In the Matter of: SDWA Update, USEPA Regulations (July 1, 1997 through December 31, 1997), R98-19 entitled In the Matter of: UIC Update, USEPA Regulations (July 1, 1997 through December 31, 1997), R98-20 entitled In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1997 through December 31, 1997), and R98-22 entitled In the Matter of: UST Update, USEPA Regulations (July 1, 1997 through December 31, 1997).

Any further questions regarding these dockets may be directed to Michael McCambridge, 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

(Cont'd from p.1)

S.W., Mail Code 4606, Washington, D.C. 20460 or e-mail: shanaghan.peter@epamail.gov. ♦

United States Environmental Protection Agency Proposes Guidelines and Standards for Wastewater Discharges from Commercially-Operating Hazardous Waste Combustor Facilities

On February 6, 1998, the United States Environmental Protection Agency proposed Clean Water Act (CWA) national effluent limitations guidelines and standards for wastewater discharges from commercially-operating hazardous waste combustor facilities regulated as "incinerators" or "boilers and industrial furnaces" under the Resource Conservation and Recovery Act (RCRA) as well as commercially-operating non-hazardous industrial waste combustor facilities. 63 Fed. Reg. 6391 (February 6, 1998). The proposal would not apply to sewage sludge incinerators, medical waste incinerators, municipal waste combustors, or other solid waste combustion units. Sources of wastewater that would be regulated under the proposal would include flue gas quench, slag quench, and air pollution control wastewater.

This proposal would limit the discharge of pollutants into navigable waters of the United States and the introduction of pollutants into publicly-owned treatment works by existing new stand-alone industrial waste combustors that incinerate waste received from offsite. The proposal would not apply to wastewater discharges from industrial waste combustors that only burn wastes generated on-site at an industrial facility or generated at facilities under common corporate ownership. Compliance with this proposed regulation is estimated to reduce discharge of pollutants by at least 230,000 pounds per year and to cost an estimated \$2.16 million annualized.

Comments on this proposal must be sent by May 7, 1998, to Samantha Hopkins, USEPA, 401 M Street, S.W., Mail Code 4303, Washington, D.C. 20460. ♦

Notice of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act with the City of Rockford, Winnebago County, Illinois

On February 5, 1998, the United States Environmental Protection Agency (USEPA) issued a notice that on January 21, 1998, the United States filed with the court for the Northern District of Illinois, Western Division, a proposed consent decree under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. 42 U.S.C. 9601 *et seq.* 63 Fed. Reg. 5967 (February 5, 1998). The consent decree

resolves certain claims of the United States against the City of Rockford, under Sections 106(a) and 107(a) of CERCLA (42 U.S.C. 9606, 9607(a)) at the Southeast Rockford Groundwater Contamination Site (site) located in Rockford, Winnebago County, Illinois. Under the consent decree, the City of Rockford will perform the remedial action selected by USEPA in its September 30, 1995, record of decision and the United States will receive up to a maximum of \$200,000 for future oversight response costs incurred by USEPA in connection with the City of Rockford's performance of the remedial design and remedial action at the site. ♦

United States Environmental Protection Agency Announces the Public Availability of EPA 816-R-98-001, "Information for States on Recommended Operator Certification Requirements"

On February 6, 1998, the United States Environmental Protection Agency (USEPA) announced the availability of "Information for States on Recommended Operator Certification Requirements (EPA 816-R-98-001)." 63 Fed. Reg. 6176 (February 6, 1998). Section 1420(d)(2) of the Safe Drinking Water Act (SDWA) (33 U.S.C. 1251 *et seq.* (1996)), as amended in 1996, requires USEPA, through a partnership with states, public water systems, and the public, to develop information for states on recommended operator certification requirements. USEPA was required to publish this information by February 6, 1998. Consistent with these statutory requirements, the USEPA has appointed such a work group (the partnership) to provide advice on matters relating to operator certification.

Chapter 1 of the aforementioned document contains a summary of existing state operator certification programs. Chapter 2 contains excerpts from the National Research Council's book entitled *Safe Water from Every Tap*. Chapter 3 contains the "Operator Certification Program Standards" developed by the Association of Boards of Certification. Chapter 4 contains a listing of State Drinking Water Administrators and Operator Certification Program Officers. Offered in this package for information only, this information will be used by USEPA as background material to develop operator certification guidelines, as required by Section 1419 of the SDWA. The guidelines, which will be published by February 1999, will specify the minimum requirements for a state operator certification program.

Copies of this document are available by calling the Safe Drinking Water Hotline (800) 426-4791 or from the USEPA Web Site at: <http://www.epa.gov/ogwdw> ♦

United States Environmental Protection Agency Issues Guidance for Implementing the One-Hour Ozone and Pre-Existing PM₁₀ National Ambient Air Quality Standards

On February 18, 1998, the United States Environmental Protection Agency (USEPA) issued guidance for continuing the implementation of certain Clean Air Act provisions. These provisions are requirements for one-hour ozone and pre-existing PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) National Ambient Air Quality Standards (NAAQS) following USEPA's promulgation of the new eight-hour ozone (62 Fed. Reg. 38856 (July 18, 1997)) and PM NAAQS (62 Fed. Reg. 38652 (July 18, 1997)). 63 Fed. Reg. 8196 (February 18, 1998). USEPA issued the guidance to ensure that momentum is maintained by the states in their current programs while they develop their plans for implementing the new NAAQS. The guidance applies to all areas now subject to the one-hour ozone standard and the pre-existing PM₁₀ standard regardless of attainment status.

On July 16, 1997, President Clinton issued a directive to USEPA Administrator Browner on implementation of the new standards for ozone and PM. In that directive, the President laid out a plan on how these new standards, as well as the current one-hour ozone and the pre-existing PM standards, are to be implemented. The guidance reflects the Presidential directive.

The Board anticipates that it will adopt this guidance as a fast-track rulemaking in accordance with Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

Copies of the guidance are available from the World Wide Web site: <http://ttnwww.rtpnc.epa.gov/implement>

United States Environmental Protection Agency Announces and Publishes a Policy for Municipality and Municipal Solid Wastes; CERCLA Settlements at National Priority List Co-Disposal Sites

On February 18, 1998, the United States Environmental Protection Agency (USEPA) announced and published a policy for municipality and municipal solid wastes involved in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) settlements at National Priority List (NPL) co-disposal sites. 63 Fed. Reg. 8197 (February 18, 1998). The policy supplements the "Interim Policy on CERCLA Settlements Involving Municipalities and Municipal Wastes" (1989 Policy) that was issued by USEPA on September 30, 1989. USEPA will continue its policy of not generally identifying generators and transporters of municipal solid waste (MSW) as potentially responsible parties at NPL sites. In recognition of strong public interest in reducing contribution litigation, however, USEPA identifies a settlement methodology for making available settlements to MSW generators and transporters who seek to resolve their liability. In addition, the policy identifies a pre-

sumptive settlement range for municipal owners and operators of co-disposal sites on the NPL who desire settlement of the CERCLA liability.

For further information contact: Leslie Jones (202/564-5123) or Doug Dixon (202/564-4232). ♦

United States Environmental Protection Agency Issues Interim Rule Outlining Procedures for Reimbursement to Local Governments for Emergency Responses to Hazardous Substance Releases

On February 18, 1998, the United States Environmental Protection Agency (USEPA) issued an interim rule outlining procedures for reimbursement to local governments for emergency responses to hazardous substance releases. 63 Fed. Reg. 8284 (February 18, 1998). Through this regulation, USEPA will streamline procedures used to reimburse local governments for emergency response costs. Local governments may be reimbursed for certain costs they incur in taking temporary emergency measures related to the release of hazardous substances, pollutants, and contaminants. Through this regulation, USEPA intends to ease program and reporting requirements to make reimbursement more accessible, simplify the application process, and streamline USEPA's evaluation to speed up reviewing applications and paying eligible applicants. Reimbursement through this program will help lighten financial burdens placed on local governments that respond to hazardous releases or threats. Reimbursement will also help strengthen effective emergency response at the local level. The effective date for this interim final rule was February 18, 1998. ♦

United States Environmental Protection Agency Issues Final Rule Extending the Deficiency Policy Through Model Year 1999 for the Control of Air Pollution from Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-Board Diagnostic Regulations for Light-Duty Vehicles and Light-Duty Trucks

On February 17, 1998, the United States Environmental Protection Agency (USEPA) finalized a provision to extend the current flexibility provisions (*i.e.*, the "deficiency provisions") contained in 40 CFR 86.094-17(I) through the 1999 model year, scheduled to be eliminated after the 1998 model year. USEPA indicated that it is taking this action at this time because it is beginning to certify vehicles for the 1999 model year. USEPA noted that it has become concerned that manufacturers would not be able to use USEPA's deficiency regulations, which could lead to delays in certification. Therefore, USEPA has proposed to extend the deficiency policy on an expedited basis, in order to allow manufacturers to request deficiencies in the 1999 model year.

This will allow the USEPA Administrator to accept an on-board diagnostic system as compliant in the 1999 model year even though specific requirements are not fully met. USEPA believes this provision neither constitutes a waiver from federal on-board diagnostic requirements nor does it allow compliance without meeting the minimum requirements of the Clean Air Act (*i.e.*, oxygen sensor monitor, catalyst monitor, and standardization features).

This rule became effective on February 17, 1998, the date of publication in the *Federal Register*. ♦

United States Environmental Protection Agency Proposes Approval of Two Illinois Site-Specific State Implementation Plans for Solar Corporation, Libertyville, Lake County

On February 23, 1998, the United States Environmental Protection Agency (USEPA) proposed to approve two Illinois site-specific state implementation plan (SIP) revision requests. These requests were dated January 23, 1996, and January 9, 1997, and submitted to USEPA to revise or delay certain reasonable available control technology (RACT) requirements to control volatile organic material (VOM) emissions at Solar Corporation's (Solar) manufacturing facility located in Libertyville, Lake County, Illinois. The January 23, 1996, request seeks to revise the State of Illinois' VOM RACT requirements applicable to certain Solar adhesive operations. The January 9, 1997, request seeks to grant a temporary variance from VOM RACT requirements applicable to Solar's automotive plastics parts coating operations. Solar's two site-specific SIP revisions were filed with the Board on February 28, 1995, and were docketed as AS 94-2. On July 20, 1995, the Board granted Solar's adjusted standard.

USEPA proposed this action as a direct final rule because it views this as a noncontroversial action and

anticipates no adverse written comments. If USEPA receives adverse written comments on or before March 25, 1998, then it will withdraw the direct final rule and all written comments will be addressed in a subsequent final rule. If no adverse written comments are filed, this final rule is effective April 24, 1998.

All written comments should be directed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. ♦

United States Environmental Protection Agency Proposes Consumer Confidence Rules for National Primary Drinking Water Regulations

On February 13, 1998, the United States Environmental Protection Agency (USEPA) proposed a consumer confidence rule requiring community water systems to prepare and provide to their customers annual reports on the quality of the water delivered by the systems. 63 Fed. Reg. 7605 (February 13, 1998). This action is mandated by the 1996 amendments to the Safe Drinking Water Act (SDWA). 42 U.S.C. 1401 *et seq.* USEPA anticipates that these reports will provide valuable information to consumers of tap water from community water systems and allow them to make personal health-based decisions regarding their drinking water consumption.

Written comments on this proposed rule must be received on or before March 30, 1998. Comments should be addressed to: Consumer Confidence Report Comment Clerk, USEPA, Water Docket #W-97-18, 401 M Street, S.W., Mail Code 4101, Washington, D.C. 20460.

Any rule adopted by USEPA would be adopted by the Board as an identical-in-substance rule pursuant to Section 17.5 of the Environmental Protection Act (415 ILCS 5/17.5 (1998)). ♦

APPELLATE UPDATE

Underground Storage Tanks - deductible amount

The Illinois Appellate Court, 5th District, affirmed the Illinois Pollution Control Board's Order in R.P. Lumber v. Office of the State Fire Marshal (July 7, 1995), PCB 94-184, ruling that a property owner's request for remediation reimbursement was subject to a \$100,000 deductible, instead of a \$15,000 deductible, because no registered underground storage tanks were located on the owner's property when the owner reported the release and applied for reimbursement, even though the owner subsequently bought an adjacent parcel of land containing an underground storage tank registered prior to July 28, 1998.

On December 17, 1997, the Illinois Appellate Court, 5th District, affirmed the Board's order in R. P. Lumber v. Office of the State Fire Marshal (July 7, 1995), PCB 94-184. In that opinion, the Board found that the deductible to be applied to R. P. Lumber in its application for reimbursement from the Underground Storage Tank Fund (Fund) was \$100,000 not \$15,000. R. P. Lumber appealed, contending that under the applicable statutory provisions a \$15,000 deductible was appropriate.

The land involved in this appeal is located in Edwardsville, Madison County, Illinois and was owned solely by Illinois Lumber until September 1986. On April 14, 1986, Illinois Lumber registered an underground storage tank (UST) with the Office of the State Fire Marshal (OSFM). Later that year, in September 1986, R. P. Lumber purchased a parcel of property from Illinois Lumber. At that time R. P. Lumber did not know that there were two unregistered USTs on the parcel. In 1992, R. P. Lumber discovered the first unregistered UST, but was not required to register it because of the early date that it had been removed from service. On December 3, 1992, R. P. Lumber removed this UST and discovered a second unregistered UST. On December 16, 1992, R. P. Lumber registered the second UST with the OSFM. On February 18, 1993, R. P. Lumber removed the second UST and discovered a significant petroleum release requiring remediation.

On May 20, 1994, the OSFM deemed R. P. Lumber eligible to access the Fund for reimbursement and determined that the applicable deductible was \$100,000. In December 1994, R. P. Lumber purchased the remaining parcel of Illinois Lumber property which contained the UST registered on April 14, 1986, by

Illinois Lumber. Between 1988 and 1991, R. P. Lumber had purchased two other parcels of the Illinois Lumber property. R. P. Lumber appealed the OSFM's decision to the Board. The Board affirmed the OSFM's determination that the \$100,000 deductible was applicable, and R. P. Lumber thereafter appealed the Board's decision to the appellate court.

Under Illinois law, a deductible amount is applied to application for Fund reimbursement. See 415 ILCS 5/57.9(b) (1994). If none of an owner's USTs were registered prior to the legislation's effective date of July 28, 1989, the applicable deductible is \$100,000. See 415 ILCS 5/57.9(b)(1) (1994). If one or more, but not all, of an owner's USTs were registered prior to July 28, 1989, and the appropriate agency received notice of the release after that date, the applicable deductible is \$15,000. 415 ILCS 5/57.9(b)(3) (1994).

Based on a review of the applicable law, the appellate court affirmed the Board's decision. The court found that since no registered USTs were located on any of the properties owned by R. P. Lumber when it reported the release and applied for access to the fund, the \$15,000 deductible was not applicable. The court also rejected R. P. Lumber's argument that the \$15,000 deductible applied because Illinois Lumber registered a UST prior to July 28, 1989. The court reasoned that R. P. Lumber did not own that portion of the Illinois Lumber property containing the UST registered on April 14, 1986, at the time R. P. Lumber sought access to the Fund. Moreover, the UST which R. P. Lumber relied upon, no longer existed when it reported the release to the OSFM because the UST registered by Illinois Lumber had already been removed from the ground. ♦

Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. Illinois Pollution Control Board, Landcomp Corporation, and the County of LaSalle 293 Ill. App. 3rd 219, 687 N.E. 2d 552 (3rd Dist. 1997) (November 20, 1997)

ILLINOIS POLLUTION CONTROL BOARD DECISION UPHELD AS APPELLATE COURT FOUND BOARD CORRECTLY REFUSED TO CONSIDER PRE-SITING APPLICATION CONTACTS BETWEEN COUNTY SITING AUTHORITY AND SITING APPLICANT.

The Illinois Appellate Court, 3rd District, upheld a decision by the Board affirming a LaSalle County (county) decision granting local siting approval for a new regional pollution control facility. In its decision, the Board held that the county's decision was not fundamentally unfair and that the Board has no statutory authority to consider evidence of pre-application contacts between the siting applicant and the county.

In October 1995, Landcomp Corporation (Landcomp) filed a siting application with the county. On April 25, 1996, after extensive public hearings, the county board granted siting approval. On appeal to the Board, the Board found the proceedings to have been fundamentally unfair and remanded the matter to the county for additional hearings. After additional hearings

were held, the siting application was again approved in January 1997.

A group of concerned citizens, Residents Against a Polluted Environment and the Edmund B. Thornton Foundation (collectively referred to herein as R.A.P.E.), appealed the grant of local siting to the Board alleging, among other things, that the proceedings were fundamentally unfair because the citizens were precluded from introducing evidence of pre-siting application contacts between the county and Landcomp. The citizens argued that they should have been allowed to introduce evidence of Landcomp's involvement in the county's amendment of its Solid Waste Management Plan, in order to show bias on the part of the county. ♦

W.R. Meadows, Inc. v. Environmental Protection Agency, Joseph E. Svoboda, and Pollution Control Board, No. 4-96-0736 (1998) (unpublished order under Illinois Supreme Court Rule 23).

FOURTH DISTRICT AFFIRMS ILLINOIS ENVIRONMENTAL PROTECTION AGENCY DENIAL OF PROVISIONAL VARIANCE TO W.R. MEADOWS, INC.

The Illinois Appellate Court, Fourth District, affirmed a decision of the Illinois Environmental Protection Agency (IEPA) to deny W.R. Meadows' (Meadows) request for a provisional variance. Although the Board was joined as a party defendant in this action, there was no order of the Board under review by the court. Instead, the determination before the court for review was one made by the IEPA denying a provisional variance under Sections 35, 36, and 37 of the Environmental Protection Act (Act). Because of the way the Act's provisional variance procedure is structured, the Board issues orders only to grant provisional variances upon IEPA recommendation that compliance would impose an arbitrary or unreasonable hardship. If the IEPA declines to recommend a grant of provisional variance, the matter does not come before the Board at all. This was a case of first impression concerning IEPA denial of a provisional variance.

By way of background, Meadows produces asphalt saturated fiber expansion joints, which are used by the construction industry as expansion joints in poured concrete applications. During the manufacturing process, volatile organic materials (VOM's) are emitted.

Consequently, in 1996 Meadows obtained a construction permit from the IEPA which prohibited it from emitting VOM emissions exceeding 20.5 tons per year in connection with its fiber expansion joint production. Meadows obtains the unsaturated fiber joints from a supplier and performs the asphalt saturation process at its facility.

After a fire at Celotex Corporation, Meadows' exclusive supplier of fiber expansion joints, Meadows applied for a provisional variance in March 1966. Meadows sought a 45-day provisional variance from the material usage restrictions and VOM emission limitations in its construction permit. Meadows alleged the variance was necessary in order to temporarily increase its own production of fiber expansion joints to meet customer needs. Meadows estimated that VOM emissions would significantly increase from 20.5 tons per year to 38.2 tons per month.

In affirming the IEPA's decision, the appellate court first addressed the IEPA's argument that the court lacked jurisdiction to consider the appeal. The IEPA argued that the Act did not authorize review of IEPA actions in the appellate court. Section 41(a) of the Act specifically

provides for review of Board decisions by the appellate court, rather than the circuit court as is normally the case for review of actions of State agencies under the Administrative Review Law. Neither Section 41(a) nor Sections 35-37 specifically set out a route for appeal of IEPA denials of provisional variance.

In order to avoid “an absurd or unjust result,” the court found that it did have jurisdiction under Section 41(a) of the Act. The appellate court reasoned that to decide otherwise “would leave Meadows and others in a similar position with no avenue of appeal” and “would leave IEPA with unfettered and unreviewable discretion in these cases.” Noting that it did not believe that the legislature had intended to deprive applicants who were denied variance an appeal route, the court “urged the legislature to correct this apparent oversight.” The court concluded its discussion by observing that, while the case was moot since the 45-day period for which variance had been sought was well past, the case was being addressed as “one of the class of cases that would otherwise elude review” (which are decided by the courts in a well-recognized exception to the mootness doctrine).

Having found that it had jurisdiction, the court then proceeded to address the dispute over the appropriate standard of review. The court reasoned that the question of what standard of review to apply depends on what type of function the underlying IEPA was performing. The appellate court drew a distinction between quasi-legislative and quasi-judicial functions, noting that the Board performs both. In this instance, the appellate court determined that the IEPA decision denying Meadows a provisional variance was most akin to the quasi-judicial functions performed by the Board. Accordingly, the appropriate standard of review for quasi-judicial functions performed by an administrative agency is whether the agency’s decision was against the manifest weight of the evidence.

Applying the manifest weight of the evidence standard, the appellate court found that Meadows failed to satisfy its burden with regard to each of the following

three points: 1) provision of a compliance plan; 2) consideration of alternatives for compliance; and 3) assessment of adverse environmental impacts.

First, the appellate court noted that the only evidence of a compliance plan in Meadows’ application was the indication that Meadows would continue with its attempts to locate another supplier of the fiber expansion joints. Since this was something that Meadows was already doing prior to filing the variance application, the court rejected this as not a sufficient compliance plan.

Second, the court determined that Meadows had failed to demonstrate that any alternate methods of compliance were even considered in applying for a provisional variance. Meadows argued that it did not have time to examine alternatives for compliance. Unconvinced, the court stated that Meadows failed to show any authority which would allow it to avoid compliance with this requirement due to lack of time to investigate other alternatives.

Third, the appellate court found Meadows’ assessment of adverse environmental impacts to be lacking. Meadows proposed that during the variance period it would minimize air quality impacts by investigating the possibility of moving the facility to an ozone attainment area, and by consulting with the IEPA about a permit revision and about installing VOM controls to reduce emissions. The appellate court reasoned that merely investigating or consulting about options to reduce or minimize adverse environmental impacts is not the same as actually achieving a reduction or minimization of adverse impacts.

The court concluded that while the IEPA identified additional areas in which the Meadows’ application was lacking, it was not necessary to explore each of those areas. A review of the three main areas identified herein was sufficient for the appellate court to conclude that the IEPA’s decision denying Meadows’ request for a provisional variance was not against the manifest weight of the evidence. ♦

BOARD ACTIONS 2/5/98**RULEMAKINGS**

| | | |
|---------------|---|-----|
| R97-16 | <u>In the Matter of: Proportionate Share Liability (35 Ill. Adm. Code 741)</u> - The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend the Board's procedural rules. | 6-0 |
| R98-9 | <u>In the Matter of: Municipal Solid Waste Landfill Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in response to the joint proponents' proposal to amend the Board's municipal solid waste landfill rules. | 6-0 |
| R98-12 | <u>In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management)</u> - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's regulations concerning standards for universal waste management (35 Ill. Adm. Code 733, Standards for Universal Waste Management). | 6-0 |
| R98-15 | <u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-attainment Areas)</u> - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in this proposed rulemaking to amend Subparts A (General Provisions), F (Coating Operations), and Z (Dry Cleaners) of 35 Ill. Adm. Code 215 to achieve consistency between these subparts and other Board regulations dealing with volatile organic material emissions from stationary emission sources. | 6-0 |

ADJUSTED STANDARDS

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| AS 97-6 | <u>In the Matter of: Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia</u> - The Board granted petitioner's request for stay of proceedings to file an amended petition for adjusted standard. The amended petition is now due to be filed no later than May 11, 1998. | 5-0 |
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ADMINISTRATIVE CITATIONS

| | | |
|-----------------|---|-----|
| AC 98-14 | <u>Montgomery County v. Envotech-Illinois, Inc.</u> - The Board entered an order finding that this Montgomery County respondent violated Section 21(o)(5) of the Environmental Protection Act and ordered it to pay a civil penalty of \$500. | 6-0 |
|-----------------|---|-----|

ADJUDICATORY CASESDecisions

- PCB 96-107** People of the State of Illinois v. ESG Watts, Inc. - The Board found respondent in violation of several sections of the Environmental Protection Act and of the Board's regulations at its facility located in Rock Island County, ordered respondent to pay a civil penalty of \$100,000, and ordered respondent to pay attorney fees in the amount of \$25,567. The Board revoked respondent's operating permit No. 1972-72-DE/OP. 5-0
- PCB 96-233** People of the State of Illinois v. ESG Watts, Inc. - The Board found respondent in violation of several sections of the Environmental Protection Act and of the Board's regulations at its facility located in Mercer County and ordered respondent to pay a civil penalty of \$655,200. 6-0
- PCB 98-92** People of the State of Illinois v. Target Stores, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action concerning asbestos demolition and renovation activity performed at various sites located in DuPage County, ordered respondent to pay a civil penalty of \$14,000, and to cease and desist from further violations. 6-0

Motions and Other Matters

- PCB 94-290** Bank of Illinois in DuPage v. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility. 6-0
- PCB 96-97** People of the State of Illinois v. Village of Thompsonville - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Franklin County facility, the Board ordered publication of the required newspaper notice. 5-0
- PCB 97-81** Millennium Petrochemicals, Inc. (f/k/a Quantum Chemical Corporation) v. IEPA - The Board denied the joint motion for remand. 6-0
- PCB 97-96** Shell Oil Company v. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility. 6-0
- PCB 97-136** Edmund and Mary Radkiewicz v. Chevron Products Company - The Board granted complainants' motion for withdrawal of this citizen's underground storage tank action involving a Cook County facility. 6-0

Motions and Other Matters (Cont'd)

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| PCB 98-42 | <u>People of the State of Illinois v. Illini Protein</u> - The Board granted complainant's motion to reconsider it's January 8, 1998, Board order. | 6-0 |
| PCB 98-74 | <u>Jiffy Lube International, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility. | 6-0 |
| PCB 98-76 | <u>King Bruwaert House v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility. | 6-0 |
| PCB 98-77 | <u>Grant Dean Buick v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Kane County facility. | 6-0 |
| PCB 98-91 | <u>Village of Millstadt v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this St. Clair County facility. | 6-0 |
| PCB 98-94 | <u>People of the State of Illinois v. Material Service Corporation</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Vermilion County facility, the Board ordered publication of the required newspaper notice. | 6-0 |
| PCB 98-97 | <u>Material Service Corporation v. J.W. Peters & Sons, Inc.</u> - The Board accepted for hearing this citizen's underground storage tank enforcement action against a McHenry County facility. | 6-0 |
| PCB 98-100 | <u>People of the State of Illinois v. Color Communications, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. | 6-0 |
| PCB 98-101 | <u>Franklin Community Unit School District #1 v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Morgan County facility. | 6-0 |
| PCB 98-102 | <u>Panhandle Eastern Pipe Line Company v. IEPA</u> - The Board accepted for hearing this appeal of an air permit decision on behalf of a Sangamon County facility. | 6-0 |

BOARD ACTIONS 2/19/98

RULEMAKINGS

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|---------------|--|-----|
| R98-2 | <u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1997, through June 30, 1997)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted identical-in-substance amendments to the public water supply regulations found at 35 Ill. Adm. Code 611. | 6-0 |
| R98-18 | <u>In the Matter of: SDWA Update, USEPA Regulations (July 1, 1997, through December 31, 1997)</u> - Proposed Rule, Dismissal Order. The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its public water supply regulations during the update period of July 1, 1997, through December 31, 1997. | 6-0 |
| R98-19 | <u>In the Matter of: UIC Update, USEPA Regulations (July 1, 1997, through December 31, 1997)</u> - Proposed Rule, Dismissal Order. The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 1997, through December 31, 1997. | 6-0 |
| R98-20 | <u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1997, through December 31, 1997)</u> - Proposed Rule, Dismissal Order. The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 1997, through December 31, 1997. | 6-0 |
| R98-22 | <u>In the Matter of: UST Update, USEPA Regulations (July 1, 1997, through December 31, 1997)</u> - Proposed Rule, Dismissal Order. The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 1997, through December 31, 1997. | 6-0 |

ADJUSTED STANDARDS

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| AS 97-10 | <u>In the Matter of: Petition of Waste Professionals, Inc. d/b/a Pekin Landfill, for an Adjusted Standard from 35 Ill. Adm. Code Part 814</u> - The Board granted this Tazewell County facility an adjusted standard, subject to conditions, from the landfill closure date requirements found at 35 Ill. Adm. Code 814.Subpart D. | 6-0 |
|-----------------|--|-----|

ADJUDICATORY CASES

Decisions

- PCB 95-90** Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. IEPA - 6-0
The Board granted this Cook County facility a variance, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.Subpart QQ.
- PCB 96-237** People of the State of Illinois v. ESG Watts, Inc. - The Board found respondent in violation of several sections of the Environmental Protection Act and of the Board's regulations at its facility located in Sangamon County and ordered respondent to pay a civil penalty of \$256,000 and attorney fees of \$2,400. 6-0
- PCB 98-100** People of the State of Illinois v. Color Communications, Inc. - The Board accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$34,800, and to cease and desist from further violations. 6-0

Provisional Variances

- PCB 98-106** Cornerstone Real Estate Advisers, Inc. v. IEPA - Provisional Variance - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this DuPage County facility. 6-0

Motions and Other Matters

- PCB 95-64** People of the State of Illinois v. Donald Pointer, Mitchell Holder, and White-way Sanitation, Inc. - Interim Order. The Board denied respondents' motion to transfer first amended complaint to the circuit court of Jersey County and granted complainant's motion for partial summary judgment. The Board found respondents liable for several violations of the Environmental Protection Act and of the Board's regulations alleged in all but counts III and a portion of count VII of the complaint at its facility located in Jersey County, and ordered this matter to proceed to hearing to address count III liability issues as well as penalty and attorney fees issues. 5-0
- PCB 96-75** People of the State of Illinois v. Harvey Cash d/b/a Cash Oil Company - The Board granted complainant's request for extension of time for payment of penalty. 6-0

Motions and Other Matters (Cont'd)

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| PCB 96-76 | <u>People of the State of Illinois v. Chemetco, Inc.</u> - Interim Opinion and Order. The Board granted complainant's motion for partial summary judgment. The Board found respondent liable for several violations of the Environmental Protection Act and of the Board's regulations at its facility located in Madison County, and ordered this matter to proceed to hearing to address penalty issues and on the complainant's claim that Chemetco, Inc. has violated 35 Ill. Adm. Code 725.242(a) (1997) and 415 ILCS 5/21(f)(2) (1996) by failing to provide detailed written closure cost estimates . | 6-0 |
| PCB 96-215 | <u>Illinois State Toll Highway Authority v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility. | 6-0 |
| PCB 96-233 | <u>People of the State of Illinois v. ESG Watts, Inc.</u> - The Board entered an order to correct a typographical error in its February 5, 1998 order. The order amended paragraphs 2 and 3 of the Board's order. The total penalties assessed against respondent ESG Watts, Inc., add up to \$655,200, not \$680,200 as was stated in the February 5, 1998, order. | 6-0 |
| PCB 97-153 | <u>D&L Landfill, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this land permit appeal involving a Bond County facility. | 6-0 |
| PCB 97-169 | <u>Maywood Phillips 66 v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility. | 6-0 |
| PCB 98-22 | <u>Village of Matteson v. IEPA</u> - The Board granted petitioner's request for extension of time. | 6-0 |
| PCB 98-40 | <u>James Fisher and Holly Fisher v. IEPA</u> - The Board granted petitioners' motion for withdrawal of this underground storage tank appeal involving a Macoupin County facility. | 6-0 |
| PCB 98-41 | <u>James Fisher and Holly Fisher v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Macoupin County facility. | 6-01 |
| PCB 98-48 | <u>Franklin Community Unit School District #1 v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Morgan County facility. | 6-0 |

Motions and Other Matters (Cont'd)

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|------------|---|-----|
| PCB 98-49 | <u>Owens Oil Company v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Greene County facility. | 6-0 |
| PCB 98-50 | <u>Steve's Mobil Service v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Morgan County facility. | 6-0 |
| PCB 98-73 | <u>Village of Glendale Heights v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a DuPage County facility. | 6-0 |
| PCB 98-88 | <u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility. | 6-0 |
| PCB 98-96 | <u>Franklin Community Unit School District #1 v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Morgan County facility. | 6-0 |
| PCB 98-103 | <u>Stepan Company v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an appeal of an air permit decision on behalf of a Cook County facility. | 6-0 |
| PCB 98-105 | <u>Richardson Electronics, Ltd. v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an appeal of a Resource Conservation and Recovery Act permit decision on behalf of a Kane County facility. | 6-0 |

CASES PENDING DECISION

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|------------|--|-----|
| PCB 97-199 | <u>Tri Star Marketing, Inc. v. IEPA</u> - The Board entered an interim order requesting more information regarding the setback distance. | 6-0 |
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NEW CASES 2/5/98

98-100 People of the State of Illinois v. Color Communication, Inc. - In this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement.

98-101 Franklin Community Unit School District #1 v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Morgan County facility.

98-102 Panhandle Eastern Pipe Line Company v. IEPA - The Board accepted for hearing this appeal of an air permit decision on behalf of a Sangamon County facility.

NEW CASES 2/19/98

98-103 Stepan Company v. IEPA - The Board accepted this request for a 90-day extension of time to file an appeal of a air permit decision on behalf of a Cook County facility

98-104 Village of Addison v. City of Wood Dale - Held for duplicitous/frivolous determination, no action taken.

98-105 Richardson Electronics, Ltd. v. IEPA - The Board accepted this request for a 90-day extension of time to file an appeal of a Resource Conservation and Recovery Act permit decision on behalf of a Kane County facility.

98-106 Cornerstone Real Estate Advisers, Inc. v. IEPA - Provisional Variance - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this DuPage County facility.

CALENDAR OF MEETINGS

| Date & Time | Docket Number | Case Name | Location of Hearing |
|----------------------------|----------------------|--|---|
| 3/24/98 10:00am | R 97-27 | <u>In the Matter of: Revision of the Waste Disposal Rules: Amendment to 35 Ill. Adm. Code 817.101</u> | County Building, Board Chambers, 2 nd Floor, 200 South 9 th Street, Springfield, IL |
| 3/25/98 10:30am | R 98-9 | <u>In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> | Third Floor Conference Room, 600 South Second Street, Springfield, IL |
| 3/30/98 10:00am | R 98-13 | <u>In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendments to 35 Ill. Adm. Code 201</u> | Illinois State Library, Illinois Authors Room, 300 South Second Street, Springfield, IL |
| 3/30/98 10:00am | R 98-14 | <u>In the Matter of: Petition of PDV Midwest Refining L.L.C. for Site-Specific Rule Change from 35 Ill. Adm. Code 304.213</u> | Illinois State Library, Illinois Authors Room, 300 South Second Street, Springfield, IL |
| 3/30/98 10:00am | R 98-15 | <u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215</u> | Illinois State Library, Illinois Authors Room, 300 South Second Street, Springfield, IL |
| 3/30/98 10:00am | R 98-16 | <u>In the Matter of: Petition of W.R. Grace & Company - Connecticut and IEPA for a Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h)</u> | Illinois State Library, Illinois Authors Room, 300 South Second Street, Springfield, IL |
| 3/31/98 1:00pm | AC 98-8 | <u>County of Will v. William Hunter</u> | Will County Court House, Courtroom 313, 14 West Jefferson Street, Joliet, IL |
| 4/1/98 9:30am | AC 97-13 | <u>County of DuPage v. Saleem M. Choudhry</u> | DuPage County Courthouse, Courtroom 2008, 421 N. Country Farm Road, Wheaton, IL |
| 4/1/98 10:00am | AS 97-9 | <u>In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> | Wood Dale City Hall, City Council Chambers, 404 North Wood Dale Road, Wood Dale, IL |
| 4/2/98 10:30am | | Illinois Pollution Control Board Meeting | James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL |
| 4/9/98 9:30am | PCB 98-102 | <u>Panhandle Eastern Pipeline Company v. IEPA</u> | Illinois Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL |
| 4/10/98 9:30am | PCB 98-102 | <u>Panhandle Eastern Pipeline Company v. IEPA</u> | Illinois Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL |
| 4/14/98 10:30am | R 98-24 | <u>In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations (Amendments to 35 Ill. Adm. Code 240)</u> | James R. Thompson Center, 100 West Randolph Street, Suite 9-031, Chicago, IL |
| 4/16/98 10:30am | | Illinois Pollution Control Board Meeting | James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL |
| 4/21/98 11:00am | PCB 97-174 | <u>Bernice Loschen v. Grist Mill Confections, Inc.</u> | Department of Human Services, 407 N. Franklin Street, Suite A, Conference Room, Danville, IL |
| 4/28/98 10:30am | R98-24 | <u>In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations (Amendments to 35 Ill. Adm. Code 240)</u> | James R. Thompson Center, 100 West Randolph Street, Suite 9-031, Chicago, IL |

ILLINOIS POLLUTION CONTROL BOARD MEETING DATES

The following are regularly scheduled meetings of the Illinois Pollution Control Board.

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1998*

| | | | |
|-------------|----------|--------------|-------------|
| January 8 | April 2 | July 9 | October 1 |
| January 22 | April 16 | July 23 | October 15 |
| February 5 | May 7 | August 6 † | November 5 |
| February 19 | May 21 | August 20 | November 19 |
| March 5 | June 4 | September 3 | December 3 |
| March 19 | June 18 | September 17 | December 17 |

* All Chicago Board Meetings will be held at 10:30 a.m. in Conference Room 9-040.

† The August 6, 1998 Board Meeting will be held in Springfield.

The Illinois Pollution Control Board (IPCB) is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

Claire A. Manning, Chairman
Springfield

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Chicago

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph Yi
Park Ridge

The *Environmental Register* is a newsletter published by the IPCB monthly, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information of interest to the People of the State of Illinois.

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312)814-3620

Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
(217)524-8500

Web Site: <http://www.ipcb.state.il.us/>