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# Environmental Register

July 2000 - Number 553

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

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## Inside This Issue:

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|                             |       |
|-----------------------------|-------|
| FEDERAL UPDATE              | p. 1  |
| RULE UPDATE                 | p. 5  |
| IEPA RESTRICTED STATUS LIST | p. 8  |
| IEPA CRITICAL REVIEW LIST   | p. 9  |
| BOARD ACTIONS               | p. 11 |
| NEW CASES                   | p. 17 |
| BOARD CALENDAR              | p. 20 |

## Federal Update

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### **United States Environmental Protection Agency Adds Certain Chemicals to the Preliminary Assessment Information Reporting Rule in Final Rule**

On July 5, 2000, the United States Environmental Protection Agency (USEPA) added 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols to the Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2601 *et seq.* (1996)) Section 8(a) Preliminary Assessment Information Reporting (PAIR) rule. 65 Fed. Reg. 41371 (July 5, 2000).

The final rule addresses the recommendations of the 41st TSCA Interagency Testing Committee (ITC) Report. The ITC recommendations are given priority consideration by USEPA in promulgating TSCA Section 4 test rules. This PAIR rule will require manufacturers (including importers) of the 29 substances identified in this document to report certain production, importation, use, and exposure-related information to USEPA.

This rule became effective August 4, 2000. For further information contact Barbara Cunningham at 202/554-1404; e-mail address: TSCA-Hotline@epa.gov.

### **United States Environmental Protection Agency Proposes Restrictions or Prohibitions on Substitutes for Ozone-Depleting Substances under the Significant New Alternatives Policy Program.**

On July 11, 2000, the United States Environmental Protection Agency (USEPA) proposed to impose restrictions or prohibitions on substitutes for ozone-depleting substances under USEPA's Significant New Alternatives Policy program. 65 Fed. Reg. 42653 (July 11, 2000).

Written comments must be submitted by September 11, 2000. For further information contact Anhar Karimjee at 202/564-2683; e-mail address: karimjee.anhar@epa.gov. The Stratospheric Protection Hotline can be reached at 800/296-1996.

The Board expects the Illinois Environmental Protection Agency to propose similar State rules for adoption using the Clean Air Act "fast-track" procedures under Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

### **United States Environmental Protection Agency Proposes Adjustment to the Reformulated Gasoline Program for Ethanol Blends**

On July 12, 2000, the United States Environmental Protection Agency (USEPA) proposed to adjust the volatile organic compounds (VOC) performance standard under Phase II of the reformulated federal

## Environmental Register - July 2000

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gasoline (RFG) program for ethanol RFG blends that contain 3.5 weight percent oxygen. 65 Fed. Reg. 42920 (July 12, 2000).

For such blends, the proposed adjustment would reduce by 1 percentage point the VOC performance standard. USEPA believes that air quality benefits will continue to be similar to the current RFG standards. USEPA also solicits comment on adjustment or elimination of the minimum oxygen requirement of 1.5 weight percent. The proposal implements the National Research Council's recommendation that the contribution of CO to ozone formation be recognized in assessments of RFG air quality benefits. It also implements recommendations of the Blue Ribbon Panel on Oxygenate Use. One of the panel's recommendations was USEPA to take steps to reduce the amount of MTBE used in gasoline. The proposed action would increase the flexibility available to refiners to formulate RFG without MTBE while still realizing ozone benefits that are similar to those of the current Phase II program.

Public comments must be received by September 11, 2000. For further information contact Barry Garelick at 202/564-9028.

The Board expects the Illinois Environmental Protection Agency to propose similar State rules for adoption using the Clean Air Act "fast-track" procedures under Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

### **United States Environmental Protection Agency Proposes Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction**

On July 12, 2000, the United States Environmental Protection Agency (USEPA) proposed to revise certain treatment standards for spent potliners from primary aluminum reduction (USEPA hazardous waste: K088) under its Land Disposal Restrictions program under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)). 65 Fed. Reg. 42937 (July 12, 2000).

The proposal is a direct result of a USEPA commitment to investigate whether a more permanent treatment standard for K088 is appropriate. Non-wastewater forms of K088 waste would have to meet a new treatment standard, measured by a version of the Toxicity Characteristic Leaching Procedure that uses deionized water as the leaching fluid. USEPA also proposed to revise the treatment standards for total and amenable cyanide in K088 non-wastewaters. USEPA also proposed to classify K088 vitrification units as RCRA Subpart X miscellaneous treatment units. Finally, USEPA discussed the appropriateness of extending the rationale and regulatory status applied in the proposed rule for K088-vitrification units to all vitrification units treating RCRA hazardous waste.

Comments must be received on or before September 11, 2000. For further information contact the RCRA Hotline at 800/424-9346, Elaine Eby at 703/308-8449; e-mail address: eby.elaine@epamail.epa.gov; or John Austin at 703/308-0436; e-mail address: austin.john@epamail.epa.gov.

If the rule is adopted by USEPA, the Board will include any necessary amendments in a future identical-in-substance rulemaking.

### **United States Environmental Protection Agency Adds Certain Chemicals to the Preliminary Assessment Information Reporting Rule in Final Rule**

On July 13, 2000, the United States Environmental Protection Agency (USEPA) revised the water quality planning and management regulation and the National Pollutant Discharge Elimination System (NPDES) program. 65 Fed. Reg. 43585 (July 13, 2000).

The final rule revises and clarifies USEPA's current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) so that TMDLs can more effectively contribute to improving the nation's water quality.

USEPA expects the final rule to establish an effective and flexible framework to move the country toward the goal of clean water for all Americans. It establishes a process for making decisions what USEPA thinks is a common sense, cost effective way on how best to restore polluted water-bodies, based on identifying and implementing necessary reductions in both point and non-point sources of pollutants as expeditiously as practicable. USEPA anticipates that states, territories, and authorized tribes will develop more comprehensive lists of all water-bodies that do not attain and maintain water quality standards and will schedule the establishment of all necessary TMDLs over 10 years, with an allowance for another five years where necessary.

The final rule also specifies elements of approvable TMDLs, including implementation plans, which contain lists of actions and expeditious schedules to reduce pollutant loadings. States, territories, and authorized tribes will provide the public with opportunities to comment on methodologies, lists, prioritized schedules, and TMDLs prior to submission to USEPA. The rule establishes timeframes under which USEPA will assure that lists of waters and TMDLs are completed as scheduled, and necessary NPDES permits are issued to implement TMDLs.

USEPA thinks these regulations are necessary because the TMDL program, which Congress mandated in 1972, has brought about insufficient improvement in water quality. USEPA had been concerned about this lack of progress for some time when, in 1996, it established a Federal Advisory Committee. The Committee was asked to advise USEPA on possible improvements to the program. After careful deliberations, the Committee recommended that USEPA amend several aspects of the regulations. USEPA thinks these regulations will benefit human health and the environment by establishing clear goals for identification of impaired water-bodies and establishment of TMDLs. The regulations will also ensure that states, territories, and authorized tribes give a higher priority to restoring water-bodies which have a greater potential to affect human health or threatened or endangered species thereby focusing the benefits of these regulations on the most pressing problems.

The regulation is not effective until 30 days after the date that Congress allows USEPA to implement this regulation. USEPA will publish notice of the effective date in the *Federal Register*. For further information contact Jim Pendergast at 202/260-9549 for information pertaining to Part 130 of the rule, or Kim Kramer at 202/401-4078, for information regarding Parts 122, 123, and 124.

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing Facilities**

On July 14, 2000, the United States Environmental Protection Agency (USEPA) proposed national emission standards for hazardous air pollutants (NESHAP) for new and existing boat manufacturing facilities. 65 Fed. Reg. 43841 (July 14, 2000).

The processes regulated include fiberglass resin and gel coat operations, carpet and fabric adhesive operations, and aluminum boat painting operations. USEPA has identified boat manufacturing as a major source of hazardous air pollutants (HAP), such as styrene, methyl methacrylate, methylene chloride (dichloromethane), toluene, xylenes, n-hexanes, methyl ethyl ketone, methyl isobutyl ketone, and methyl chloroform (1,1,1-trichloroethane). The proposed standards implement section 112(d) of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1996)) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology. USEPA estimates that the proposed NESHAP would reduce nationwide emissions of HAP from these facilities by approximately 36 percent from the 1997 level of emissions.

## Environmental Register - July 2000

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Comments must be submitted by September 12, 2000. For further information contact Mark Morris at 919/541-5416; e-mail address: morris.mark@epamail.epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Metal Coil Coating**

On July 18, 2000, the United States Environmental Protection Agency (USEPA) proposed national emission standards for hazardous air pollutants (NESHAP) for facilities that coat metal coil. 65 Fed. Reg. 44615 (July 18, 2000).

USEPA has identified metal coil coating as a major source of hazardous air pollutant (HAP) emissions such as methyl ethyl ketone, glycol ethers, xylenes (isomers and mixtures), toluene, and isophorone. The proposed standards will implement section 112(d) of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1996)) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology. The proposed standards are expected to eliminate approximately 55 percent of nationwide HAP emissions from these major sources.

Comments must be submitted by September 18, 2000

For further information contact Rhea Jones at 919/541-2940; e-mail address: jones.rhea@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### **United States Environmental Protection Agency Establishes Tolerance Exemption for Butyl Acrylate-Vinyl Acetate-Acrylic Acid Copolymer in Final Rule**

On July 19, 2000, by final rule, the United States Environmental Protection Agency established, an exemption from the requirement of a tolerance for residues of butyl acrylate-vinyl acetate-acrylic acid copolymer when used as an inert ingredient in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, or to animals. 65 Fed. Reg. 44690 (July 19, 2000). The regulation eliminates the need to establish a maximum permissible level for residues of butyl acrylate-vinyl acetate-acrylic acid copolymer.

The regulation became effective July 19, 2000. For further information contact Treva Alston at 703/308-8373; e-mail address: alston.treva@epa.gov.

The Illinois pesticide program is established by the Illinois Pesticide Act (IPA) (415 ILCS 60/1 *et seq.* (1998)). The IPA is administered by the Department of Agriculture and is enforced by the Department of Public Health and the Illinois Environmental Protection Agency.

### **United States Environmental Protection Agency Reinstates 1-Hour Ozone Standard Pending Resolution of Litigation Concerning 8-Hour Ozone Standard**

On July 20, 2000, the United States Environmental Protection Agency (USEPA) rescinded its prior findings that the 1-hour ozone national ambient air quality standard and the accompanying designations and classifications no longer apply in certain areas. 65 Fed. Reg. 45181 (July 20, 2000).

As part of a transition to a more protective 8-hour ozone standard, the USEPA previously took final action determining that the 1-hour standard would no longer apply in almost 3,000 counties. Now, however, the public health protection that would be afforded by the 8-hour ozone standard is being delayed because continued litigation regarding the 8-hour ozone standard has created uncertainty regarding when and whether the USEPA may be able to fully implement that standard. USEPA believes that it is important to have a fully enforceable ozone standard to help protect people from the harmful effects of ozone pollution.

Under the final rule, the designations and classifications that previously applied in such areas with respect to the 1-hour standard would be reinstated. The rule will become effective in 90 days for most areas, and will become applicable in 180 days for areas with clean air quality data that had a non-attainment designation when the 1-hour standard was revoked. USEPA also took final action to amend 40 CFR 50.9(b) to provide that the 1-hour ozone standard will continue to apply to all areas notwithstanding promulgation of the 8-hour ozone standard, and that after the 8-hour standard is fully enforceable under part D of title I of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1996)) and is no longer subject to further legal challenge, and the 1-hour standard set forth in section 50.9(a) will no longer apply to an area once the USEPA determines that the area has air quality meeting the 1-hour standard.

The rule will become effective on October 18, 2000. For further information contact Annie Nikbakht (policy) or Barry Gilbert (air quality data) at 919/541-5246/5238; e-mail addresses: [nikbakht.annie@epa.gov](mailto:nikbakht.annie@epa.gov) or [gilbert.barry@epa.gov](mailto:gilbert.barry@epa.gov).

The Board expects the Illinois Environmental Protection Agency to propose similar State rules for adoption using the Clean Air Act “fast-track” procedures under Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

## **Rule Update**

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### **At Governor Ryan’s Request Board to Hold Inquiry Hearings in *In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)*, R01-10**

On July 13, 2000, the Board adopted an order opening docket R01-10 to conduct public inquiry hearings on peaker plants. In a letter dated July 6, 2000, Governor George Ryan requested the Board to conduct inquiry hearings concerning the potential environmental impact of natural gas-fired, peak-load electrical power generating facilities, known as peaker plants.

The Board anticipates that it will conduct seven days of public inquiry hearings. The hearings will be held at five different locations throughout the State. The first hearing will be held in Chicago and is intended to provide the Board with background and technical information from State agencies and the affected industries. The next three hearings, to be held in the geographic regions most affected by current or proposed construction of peaker plants, are intended to provide local citizens and local units of government with the opportunity to testify about peaker plants and present any other relevant information, concerns, or suggestions. A final hearing will be held in Springfield to address any downstate issues and any matters outstanding from the prior hearings. The Board will accept written public comments until at least 30 days following the last scheduled hearing.

The dates and locations for all the scheduled hearings are reflected on the Board’s Calendar in this issue of the *Environmental Register*.

For additional information contact: Amy Jackson at 217/524-8507; e-mail: [jacksona@ipcb.state.il.us](mailto:jacksona@ipcb.state.il.us).

## Environmental Register - July 2000

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### **Board Adopts Proposal for Public Comment in In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, the NOx Trading Program for Electrical Generating Units and Amendments to 35 Ill. Adm. Code 211 and 217, R01-9**

On July 13, 2000, the Board proposed for first-notice publication in the *Illinois Register* amendments in In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, the NOx Trading Program for Electrical Generating Units and Amendments to 35 Ill. Adm. Code 211 and 217, R01-9. On July 11, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 211 and 217 of the Illinois air regulations. The Agency filed the proposal under the "Fast-track" procedures for rulemakings required under the federal Clean Air Act Amendments of 1990 established in Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)). The Agency proposes to have the Board add a new Subpart W to Part 217, and make various conforming amendments to Parts 211 and 217. The rules would control the emission of nitrogen oxides (NOx) emissions from fossil fuel electrical generating units. The control would be effective during the period from May 1 to September 31 of each calendar year beginning in 2003.

This proposed rulemaking is the first of three proposals the Agency anticipates filing with the Board in response to the United States Environmental Protection Agency's regulation to address ozone transport in the area of the Country largely east of the Mississippi. The regulation, commonly known as the "NOx SIP Call," is formally titled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Regions for Purpose of Reducing Regional Transport Ozone" and was published on October 27, 1998 at 63 Fed. Reg. 57356. Challenges of the rule, which had stayed its effective date, were resolved March 3, 2000, with the court upholding most of the substance of the rule (except for portions affecting Missouri, Georgia and Wisconsin). See Michigan v. USEPA, No. 98-1947, 2000 WL 180650 (D.C. Cir. 2000).

Pursuant to Section 28.5 of the Act (415 ILCS 5/28.5 (1998)), the Board is required to proceed with set timeframes toward the adoption of the regulation. The Board has scheduled public hearings in this matter. The dates and locations for all the scheduled hearings are reflected on the Board's Calendar in this issue of the *Environmental Register*.

For additional information contact: Cathy Glenn at 312/814-6923; e-mail: glennc@ipcb.state.il.us.

### **Board Reserves seven Identical-in-Substance Dockets; Dismissing three Later as Unnecessary, R01-1, R01-2, R01-3, R01-4, R01-5, R01-6, and R01-7**

On July 13, 2000, the Board reserved seven identical in substance rulemaking dockets in In the Matter of: UIC Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-1; In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-2; In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-3; In the Matter of: UST Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-4; In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-5; In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-6; In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000 through June 30, 2000), R01-7. Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (1998)) requires the Board to adopt regulations which are identical in substance to regulations adopted by the United States Environmental Protection Agency. The term identical in substance is defined at Section 7.2 of the Act.

On July 27, 2000, the Board dismissed three reserved identical-in-substance rulemaking dockets R01-1, R01-4, and R01-6. The United States Environmental Protection Agency (USEPA) did not amend its regulations during the period from January 1, 2000 through June 30, 2000, in any way that would necessitate corresponding Board action to amend Illinois' regulations. Section 7.2 of the Act (415 ILCS

5/7.2 (1998)) requires the Board to adopt regulations which are identical-in-substance to regulations adopted by USEPA. The term “identical in substance” is defined at Section 7.2 of the Act (415 ILCS 5/7.2 (1998)).

For additional information contact: Michael McCambridge at 312/814-6924; e-mail: mccambm@ipcb.state.il.us.

**Board Adopts Second-Notice Proposal in *In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809, R00-18***

On July 13, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 809 for second notice review by the Joint Committee on Administrative Rules (JCAR). This second-notice proposal includes various technical changes to Part 809, as well as one substantive change. The proposed substantive change aligns the State and Federal definitions of “on-site,” and allows unpermitted and unmanifested transport of hazardous waste both across and along public rights-of-way.

Docket R00-18 is an outgrowth of a dismissed predecessor docket. On December 16, 1999, the Board dismissed the Illinois Environmental Protection Agency’s (Agency) proposed rules on permitting certain used oil management facilities and used oil transporters. See *In re Amendments to Permitting for Used Oil Management and Use Oil Transport: 35 Ill. Adm. Code 807 and 809* (December 16, 1999), R99-18. Although the Board dismissed the Agency’s proposed rules, the Board determined that certain technical changes to Part 809 of the Board’s rules that were a part of the proposed R99-18 docket should be addressed in another rulemaking. In order to make these changes, the Board, on its own motion, proposed these technical amendments in docket R00-18, as well as the substantive amendment described above.

Two hearings were held in docket R00-18. The record and public comment period closed on June 16, 2000. No public comments were received during the first-notice period with the exception of minor editorial changes suggested by JCAR.

For additional information contact: Joel Sternstein at 312/814-3665; e-mail: sternstj@ipcb.state.il.us.

**Board Adopts Amendments in *In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-15***

On July 13, 2000, the Board adopted amendments to the Illinois regulations that are identical in substance to the federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the Federal Water Pollution Control Act (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(9) (1996)). Included are amendments that USEPA took during the period of July 1, 1999 through December 31, 1999. USEPA took three actions during this period that necessitated Board action (see 64 Fed. Reg. 42552 (August 4, 1999); 64 Fed. Reg. 48103 (September 2, 1999); and 64 Fed. Reg. 73414 (December 30, 1999)).

The federal actions include amendments to the regulations regarding the land application, surface disposal, and incineration. USEPA also amended its guidelines establishing test procedures for the analysis of pollutants under Section 304(h) of the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) for the analysis of cyanide for purposes of compliance with the water quality requirements of the CWA, and corrected amendments made in a final rule published on September 21, 1998 (63 Fed. Reg. 50388).

Sections 7.2 and 13.3 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (1998)) provide for quick adoption of regulations that are identical-in-substance to federal wastewater pretreatment regulations that the USEPA adopts. Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (1998)), do not



## Environmental Register - July 2000

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apply to the Board's adoption of identical in substance regulations. Therefore, the amendments are not subject to first or second-notice review by the Joint Committee on Administrative Rules.

For additional information contact: Steven C. Langhoff at 217/782-2615; e-mail langhofs@ipcb.state.il.us.

### **Board Adopts First-Notice Proposal in *In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742), R00-19(A) and R00-19(B)***

On July 27, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 742 for first notice publication in the *Illinois Register*. On May 15, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 742 of the Board's land regulations, which are commonly referred to as the TACO rules. Part 742 contains procedures for developing remediation objectives based on risks to human health and the environment posed by environmental conditions at sites undergoing remediation in the Site Remediation Program, the Leaking Underground Storage Tank Program, and pursuant to Resource Conservation and Recovery Act Part B permits and closures. The TACO rules were originally adopted by the Board in *In re Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742* (June 5, 1997), R97-12(A).

To facilitate rulemaking, the Board divided the Agency proposal into two subdockets. The amendments proposed in subdocket A pertain to "Environmental Land Use Controls," (ELUCs), which are subject to a statutory adoption deadline. They must be adopted as final rules no later than January 6, 2001. See Pub. Act 91-0909. None of the remaining amendments (those in subdocket B) are subject to that adoption deadline. For that reason, the Board separated this rulemaking into two subdockets.

Both subdockets will proceed to first notice and public hearing simultaneously. To further expedite this rulemaking, the public hearings have already been scheduled pursuant to a hearing officer order issued on July 21, 2000. The dates and locations for all the scheduled hearings are reflected on the Board's Calendar in this issue of the *Environmental Register*. If necessary, a third hearing will be held in Chicago on September 22, 2000.

For additional information contact: Amy Jackson at 217/524-8507; e-mail: jacksona@ipcb.state.il.us.

## **IEPA Restricted Status List**

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### Illinois Environmental Protection Agency Division of Water Pollution Control Restricted Status List

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities, which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 2000.

Facility names followed by an asterisk (\*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status.

Facilities followed by a double asterisk (\*\*) are additions to the list.

| <u>Facility Name</u>                                | <u>Responsible Authority</u> | <u>County</u>    | <u>Remaining Capacity</u> |
|---|------------------------------|------------------|---------------------------|
| Bourbonnais (Belle Aire Subd.)                      | Village of Bourbonnais       | Kankakee         | 0                         |
| Camelot Utilities -<br>Wastewater Collection System | Camelot Utilities            | Will             | 0                         |
| Camp Point (a portion mh 60-68)                     | Village of Camp Point        | Adams            | 0                         |
| Clearview S.D.                                      | Clearview S.D.               | McLean           | 0                         |
| East Alton STP                                      | City of East Alton           | Madison          | 0                         |
| Farmington  | City of Farmington           | Fulton           | 0                         |
| Hinckley STP  | Village of Hinckley          | DeKalb           | 0                         |
| Hurst & Blairville Collection System                | City of Hurst                | Williamson       | 0                         |
| Maple Lawn Homes STP                                | Maple Lawn Homes             | Woodford         | 0                         |
| Port Byron STP                                      | Village of Port Byron        | Rock Island      | 0                         |
| Rosewood Heights S.D. -<br>Ninth Street LS          | Rosewood Heights S.D.        | Madison          | 0                         |
| South Palos Twp. S.D.                               | South Palos Twp.             | South Palos Twp. | 0                         |
| Taylorville-Shawnee Ave.<br>Pump Station            | City of Taylorville          | Christian        | 0                         |
| Utilities Unlimited                                 | Utilities Unlimited          | Will             | 0                         |
| Washington (Rolling Meadows)                        | City of Washington           | Tazewell         | 0                         |
| Wauconda - Larksdale LS                             | Village of Wauconda          | Lakes            | 0                         |

Deletions from previous Quarterly Report: Clinton Collection System

## **IEPA Critical Review List**

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Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Critical Review List

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities, which are on Critical Review. Critical Review is defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 2000.

Facilities followed by a double asterisk (\*\*) are additions to the list.

| <u>Facility Name</u> | <u>Responsible Authority</u> | <u>County</u> | <u>Remaining Capacity</u> | <u>PE Added Since Last List</u> |
|----------------------|------------------------------|---------------|---------------------------|---------------------------------|
|----------------------|------------------------------|---------------|---------------------------|---------------------------------|

## Environmental Register - July 2000

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|--|---|----------------|-------|------|
| Athens STP   | City of Athens                            | Menard         | 194   | 0    |
| Beardstown S.D.  | City of Beardstown                        | Cass           | 1,769 | 0    |
| Benton-<br>Southeast STP   | City of Benton                            | Franklin       | 60    | 0    |
| Bethalto (L.S. #1)   | Village of Bethalto                       | Madison        | 87    | 0    |
| Bonnie Brae Forest<br>Manor SD STP                               | Bonnie Brae Forest<br>Manor SD            | Will           | 110   | 0    |
| Carrier Mills  | Village of Carrier Mills                  | Saline         | 836   | 0    |
| Carrollton   | City of Carrollton                        | Greene         | 140   | 0    |
| Chester STP  | City of Chester                           | Randolph       | 485   | 0    |
| Citizens Utilities C. of Ill<br>Derby Meadows Utility<br>Co STP  | Citizens Utilites C. of Ill               | Will           | 0     | 0    |
| Citizens Utilities C. of Ill<br>River Grange                     | Citizens Utilites C. of Ill               | Will           | 10    | 0    |
| Dakota STP   | Village of Dakota                         | Stephenson     | 90    | 0    |
| Downers Grove S.D.   | Downers Grove S.D.                        | DuPage         | 5,173 | 0    |
| Earlville  | City of Earlville                         | LaSalle        | 127   | 0    |
| East Dundee STP  | Village of E. Dundee                      | Kane           | 689   | 0    |
| Elkville   | Village of Elkville                       | Jackson        | 6     | 0    |
| Ferson Creek Utilities   | Utilities, Inc.                           | Will           | 70    | 0    |
| Herscher   | Village of Herscher                       | Kankakee       | 300   | 0    |
| LCPWD-Diamond-<br>Sylvan STP                                     | County of Lake Public<br>Works Department | Lake           | 0     | 28   |
| Lake Barrington Home<br>Owners Assn. STP                         | LBHOA                                     | Lake           | 80    | 0    |
| Lindenhurst S.D.   | Village of Lindenhurst                    | Lake           | 1,312 | 0    |
| Moline (North Slope)   | City of Moline                            | Rock Island    | 1,151 | 0    |
| Morris   | City of Morris                            | Grundy         | 0     | 0    |
| Mundelein STP  | Village of Mundelein                      | Lake           | 0     | 0    |
| Paris STP  | City of Paris                             | Edgar          | 1,705 | 42   |
| Plainfield STP   | Village of Plainfield                     | Will           | 1,081 | 1019 |
| Rock Island (Main)   | City of Rock Island                       | Rock Island    | 4,871 | 0    |
| Sandwich   | City of Sandwich                          | DeKalb/Kendall | 681   | 0    |
| Thompsonville STP  | Village of Thompsonville                  | Franklin       | 0     | 0    |
| Wauconda - Remaining<br>Collection System<br>& Lakeview Villa LS | Village of Wauconda                       | Lake           | ***   | 365  |

Deletions from previous Quarterly Report: Creve Coeur, Hoopeston

\*\*\*Contact IEPA - Permit Section

## Board Actions

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**July 13, 2000**  
**Chicago, Illinois**

### Rulemakings

|        |   |                 |
|--------|---|-----------------|
| R00-15 | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1999 through December 31, 1999)</u> - The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations. | 7-0<br>R, Water |
| R00-18 | <u>In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809</u> - The Board adopted a second notice opinion and order in this matter to amend the Board’s solid waste and special waste hauling regulations.                                      | 7-0<br>R, Land  |

### Administrative Citations

|          |  |                             |
|----------|--|-----------------------------|
| AC 00-33 | <u>County of Sangamon v. American Tree Service, Roy F. Throop</u> - The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Sangamon County facility.   | 6-0<br>Kezelis<br>abstained |
| AC 00-82 | <u>County of Ogle v. Leonard Hagemann</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found respondent had violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$1,500. | 7-0                         |
| AC 00-83 | <u>County of Ogle v. Jeff and Stella Allen</u> - The Board found that these Ogle County respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (3), (7) (1998)), and ordered respondents to pay a civil penalty of \$4,500.   | 7-0                         |
| AC 00-84 | <u>IEPA v. James Day</u> - The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.   | 7-0                         |

### Adjudicatory Cases

#### • Decisions

|            |   |            |
|------------|---|------------|
| PCB 98-95  | <u>People of the State of Illinois v. Meyer Steel Drum, Inc.</u> - In this air enforcement action concerning two facilities located in Cook County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$8,000, and ordered respondent to cease and desist from further violations. | 7-0<br>A-E |
| PCB 98-145 | <u>People of the State of Illinois v. Bodine Electric Company</u> - In this air enforcement action concerning a facility located in Cook County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$75,000, and ordered respondent to cease and desist from further violations.   | 7-0<br>A-E |

## Environmental Register - July 2000

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|            |   |  |
|------------|---|--|
| PCB 98-164 | <u>City of Rock Island v. IEPA</u> - The Board granted this Rock Island County petitioner a variance, subject to conditions, from 35 Ill. Adm. Code 305.306 and the Board's combined sewer overflow exception order ( <u>In re The Joint Petition of the City of Rock Island and the Illinois Environmental Protection Agency for Exception to the Combined Sewer Overflow Regulations</u> (May 9, 1986), PCB 85-214), insofar as they require Rock Island to operate its main treatment plant at a maximum design flow of 16 million gallons per day.  | 6-0<br>Manning<br>abstained<br><br>W-V,<br><br>NPDES |
| PCB 00-31  | <u>People of the State of Illinois v. Reilly Industries, Inc.</u> - In this Resource Conservation and Recovery Act enforcement action concerning a facility located in Madison County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$20,000, and ordered respondent to cease and desist from further violations.   | 7-0<br><br>RCRA-E                                    |
| PCB 00-73  | <u>City of Rock Island v. IEPA</u> - The Board remanded this appeal of a National Pollutant Discharge Elimination System permit to the Illinois Environmental Protection Agency for re-issuance of a new permit consistent with the terms of the Board's opinion and order in this matter.  | 6-0<br><br>Manning<br>abstained<br><br>P-A, NPDES    |
| PCB 00-201 | <u>People of the State of Illinois v. Village of Chesterfield, Lawrence Lipe &amp; Associates and Moniger Excavating Company</u> - In this public water supply enforcement action concerning a facility located in Macoupin County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a civil penalty of \$5,250, and ordered respondents to cease and desist from further violations. | 7-0<br><br>PWS-E                                     |

### Motions and Other Matters

|            |  |                       |
|------------|--|-----------------------|
| PCB 93-191 | <u>People of the State of Illinois v. Estate of Lloyd Wiemann and Cheryl Halbrooks; and Estate of Lloyd Wiemann v. Cheryl Halbrooks</u> - Upon receipt of a proposed stipulation and settlement agreement intended to settle both the complaint and the cross-complaint and an agreed motion to request relief from the hearing requirement in this underground storage tank appeal enforcement action involving a facility located in Madison County, the Board ordered publication of the required newspaper notice. | 7-0<br><br>UST-E      |
| PCB 95-127 | <u>Meyer Steel Drum, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Cook County facility.  | 7-0<br><br>P-A, Air   |
| PCB 98-4   | <u>L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.   | 7-0<br><br>UST-Appeal |
| PCB 98-5   | <u>L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.  | 7-0<br><br>UST-Appeal |
| PCB 98-6   | <u>L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.   | 7-0<br><br>UST-Appeal |

|            |   |   |
|------------|---|---|
| PCB 98-23  | <u>L. Keller Oil Properties, Inc. and Charles F. Keller (Effingham/Keller Oil) v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.  | 7-0<br>UST-Appeal                               |
| PCB 98-87  | <u>L. Keller Oil Properties, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.   | 7-0<br>UST-Appeal                               |
| PCB 99-7   | <u>L. Keller Oil Properties, Inc. and Charles F. Keller (Effingham/Keller Oil) v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.  | 7-0<br>UST-Appeal                               |
| PCB 99-20  | <u>L. Keller Oil Properties, Inc. (Salem/Keller Oil Company) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.  | 7-0<br>UST-Appeal                               |
| PCB 99-72  | <u>People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens, and Gary R. Rhodes</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a facility located in Williamson County, the Board ordered publication of the required newspaper notice. | 7-0<br>PWS-E                                    |
| PCB 99-82  | <u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc.</u> - The Board denied respondents' motion to reconsider the April 6, 2000 Board order.  | 7-0<br>N-E, Citizens                            |
| PCB 00-132 | <u>People of the State of Illinois v. Illinois Industrial Plating</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Peoria County, the Board ordered publication of the required newspaper notice.   | 7-0<br>A-E                                      |
| PCB 00-135 | <u>People of the State of Illinois v. Berge Plating Works, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Rock Island County, the Board ordered publication of the required newspaper notice.  | 7-0<br>A-E                                      |
| PCB 00-181 | <u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> - The Board denied the motion to dismiss filed by the Regional Board of Trustees for Boone and Winnebago Counties and accepted the case for hearing finding the complaint was not duplicitous or frivolous.   | 6-1<br>Fleml<br>dissented<br>UST-E,<br>Citizens |
| PCB 00-185 | <u>National Car Rental System, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.   | 7-0<br>UST-Appeal                               |
| PCB 00-186 | <u>Corn Belt Electric Cooperative v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this McLean County facility.   | 7-0<br>UST-FRD                                  |

## Environmental Register - July 2000

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|            |  |                                  |
|------------|--|----------------------------------|
| PCB 00-188 | <u>Ozinga Transportation Services v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.<br>Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.       | 7-0<br>UST-FRD                   |
| PCB 00-219 | <u>Stephen G. Brill v. Henry Latoria, TL Trucking Foodliner</u> - The Board found that this complaint involving a Cook County facility was not duplicitous or frivolous, and accepted it for hearing.  | 7-0<br>N-E, Citizens             |
| PCB 00-224 | <u>Chicago Fire Brick Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.   | 7-0<br>UST-FRD<br>90-Day Ext.    |
| PCB 00-225 | <u>Lake County v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.  | 7-0<br>UST-Appeal<br>90-Day Ext. |
| PCB 00-226 | <u>Equilon Enterprises L.L.C. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.  | 7-0<br>P-A, Air<br>90-Day Ext.   |
| PCB 00-227 | <u>People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.   | 7-0<br>A-E                       |
| PCB 00-228 | <u>Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Cook County facility.<br>Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition. | 7-0<br>P-A, Land                 |
| PCB 01-1   | <u>People of the State of Illinois v. Metals Technology Corporation</u> - The Board accepted for hearing this air enforcement action against this DuPage County facility.  | 7-0<br>A-E                       |
| PCB 01-2   | <u>People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.   | 7-0<br>A-E                       |
| PCB 01-3   | <u>People of the State of Illinois v. City of Winchester, Benton &amp; Associates, Inc. and R&amp;G Construction</u> - The Board accepted for hearing this public water supply enforcement action against this Scott County facility.  | 7-0<br>PWS-E                     |
| PCB 01-4   | <u>Naperville Radiator Services v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.  | 7-0<br>UST-FRD<br>90-Day Ext.    |
| PCB 01-5   | <u>People of the State of Illinois v. Roecker Cabinets, Inc., d/b/a Roecker Cabinet &amp; Millwork</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Tazewell County facility.  | 7-0<br>RCRA-E                    |

**July 27, 2000**  
**Chicago, Illinois**

## Rulemakings

|           |   |                |
|-----------|---|----------------|
| R00-19(A) | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742</u> - The Board on its on motion separated the Illinois Environmental Protection Agency proposal into two sub-dockets. In sub-docket R00-19(A), the Board adopted a first notice opinion and order to amend the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742). The proposed amendments, whose adoption by January 6, 2001, by Public Act 91-909, establish a new legal instrument, the “Environmental Land Use Control”. | 6-0<br>R, Land |
| R00-19(B) | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742</u> - The Board adopted a first notice opinion and order in this matter to amend the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742); there is no statutory adoption deadline for these sub-docket B rules.  | 6-0<br>R, Land |
| R01-2     | <u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 2000 through June 30, 2000)</u> - The Board dismissed this reserved identical-in-substance docket because the one United States Environmental Protection Agency amendment to its non-hazardous waste regulations during the update period.   | 6-0<br>R, Land |
| R01-4     | <u>In the Matter of: UST Update, USEPA Regulations (January 1, 2000 through June 30, 2000)</u> 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.   | 6-0<br>R, Land |
| R01-6     | <u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2000 through June 30, 2000)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period.  | 6-0<br>R, Air  |

## Adjusted Standards

|          |   |                                     |
|----------|---|-------------------------------------|
| AS 99-6  | <u>In the Matter of: Petition of Illinois-American Water Company’s Alton Public Water Supply Replacement Facility Discharge to the Mississippi River for an Adjusted Standard from 35 Ill. Adm. Code 304.124, 304.106, and 302.203</u> - The Board granted the parties’ joint motion for expedited decision and will decide the matter as expeditiously as practicable. | 5-0<br>Girard<br>abstained<br>Water |
| AS 00-15 | <u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1)</u> - The Board accepted for hearing this Cook County facility’s petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1).            | 6-0<br>RCRA                         |

## Adjudicatory Cases

- **Decisions**



## Environmental Register - July 2000

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|            |  |              |
|------------|--|--------------|
| PCB 99-72  | <u>People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens and Gary R. Rhodes</u> - In this public water supply enforcement action concerning a facility located in Williamson County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement as to Willis Dale Shadowens only. The Board ordered respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. | 6-0<br>PWS-E |
| PCB 00-132 | <u>People of the State of Illinois v. Industrial Plating</u> - In this air enforcement action concerning a facility located in Peoria County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondent to pay a civil penalty of \$2,500, and to cease and desist from further violations.   | 6-0<br>A-E   |

### • Provisional Variances

|           |   |            |
|-----------|---|------------|
| PCB 01-12 | <u>City of Belvidere v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County petitioner a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits set forth at 35 Ill. Adm. Code 304.120(c) and 304.141(a).                                       | 6-0<br>W-V |
| PCB 01-13 | <u>City of Wood Dale v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County petitioner a 45-day provisional variance, subject to conditions, from the effluent limits set forth at 35 Ill. Adm. Code 304.141(a) and the excess flow limits in National Pollutant Discharge Elimination System Permit No. IL0034274. | 6-0<br>W-V |

### Motions and Other Matters

|            |   |            |
|------------|---|------------|
| PCB 99-94  | <u>People of the State of Illinois v. Graham C-Stores Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.   | 6-0<br>A-E |
| PCB 99-95  | <u>People of the State of Illinois v. Graham Enterprise, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.   | 6-0<br>A-E |
| PCB 99-191 | <u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - The Board granted respondent's motion for leave to file its responses to complainant's June 19, 2000 motions. The Board denied complainant's request for leave to reply to respondent's June 6, 2000 response, complainant's motion for leave to file its motion to strike respondent's affirmative defenses and complainant's amended motion to incorporate. | 6-0<br>A-E |

### New Cases

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## July 13, 2000 Board Meeting

00-223 Silver Glen Homeowners' Association, Inc. v. IEPA, Mark Kaplan and B. Davidson Custom Homes, Inc. - No action taken.

00-224 Chicago Fire Brick Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

00-225 Lake County v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

00-226 Equilon Enterprises L.L.C. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.

00-227 People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

00-228 Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA - The Board accepted for hearing this permit appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.

01-01 People of the State of Illinois v. Metals Technology Corporation - The Board accepted for hearing this air enforcement action against this DuPage County facility.

01-02 People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

01-03 People of the State of Illinois v. City of Winchester, Benton & Associates, Inc. and R&G Construction - The Board accepted for hearing this public water supply enforcement action against this Scott County facility.

01-04 Naperville Radiator Services v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.

01-05 People of the State of Illinois v. Roecker Cabinets, Inc., d/b/a Roecker Cabinet & Millwork - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Tazewell County facility.

AC 00-85 IEPA v. Waste Management of Illinois, Inc. and Mike Wiersema - The Board accepted an administrative citation against these Whiteside County respondents.

AC 00-86 IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - The Board accepted an administrative citation against these Livingston County respondents.

AC 00-87 IEPA v. Olen G. Parkhill, Jr. - The Board accepted an administrative citation against this Champaign County respondent.

AC 01-1 IEPA v. Don Pritchett - The Board accepted an administrative citation against this Saline County respondent.

AC 01-2 IEPA v. City of Eldorado, Illinois - The Board accepted an administrative citation against this Saline County respondent.

AC 01-3 IEPA v. Landfill 33, Ltd. and Richard Deibel - The Board accepted an administrative citation against these Effingham County respondents.

AS 01-1 IEPA v. James Day - In the Matter of: Petition of City of Elgin for an Adjusted Standard from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204 - Pending receipt of the certificate of publication,

## Environmental Register - July 2000

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the Board held this Cook County facility's petition for an adjusted standard from the pH water quality standard and effluent limitation found at 35 Ill. Adm. Code 304.125 and 302.204.

R01-1 In the Matter of: UIC Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-2 In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-3 In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-4 In the Matter of: UST Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-5 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-6 In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-7 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-8 In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865 - The Board reserved this docket for a future rulemaking to amend the Board's air pollution control regulations.

R01-9 In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOX Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 - The Board accepted the Illinois Environmental Protection Agency's July 11, 2000 fast-track proposal to amend the Board's air pollution control regulations, granted in part and denied in part the motion to waive the requirement, and adopted a first notice opinion and order, noting that the rules must be adopted 180-days from the filing of the proposal.

R01-10 In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants) - In response to a letter dated July 6, 2000 from Governor George Ryan, the Board determined to hold a series of inquiry hearings in August, September and early October, 2000, to develop an information record concerning the potential environmental impact of natural gas-fired, peak-load electrical power generating facilities, known as peaker plants. The Board anticipates submitting a report to the Governor at the end of December 2000.

### **July 27, 2000 Board Meeting**

01-6 Philip S. Dallosto v. Village of Hampshire - The Board held for a later duplicitous/frivolous determination this citizen air enforcement action involving a Kane County facility.

01-7 People of the State of Illinois v. QC Finishers, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

01-8 People of the State of Illinois v. Larry Barry, Inc. d/b/a Larry's Marathon Warehouse - The Board accepted for hearing this land enforcement action against this Christian County facility.

01-9 Z-Frank Oldsmobile, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

01-10 Sparta Airport Authority v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Randolph County facility.

00-11 People of the State of Illinois v. Reichhold, Inc. - Upon receipt of a complaint, proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this air enforcement action involving respondents located in Grundy County, the Board ordered publication of the required newspaper notice.

01-12 City of Belvidere v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County petitioner a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a).

01-13 City of Wood Dale v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County petitioner a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(a) and the excess flow limits in National Pollutant Discharge Elimination System Permit No. IL0034274.

AC 01-04 IEPA v. Steve Spencer - The Board accepted an administrative citation against this Schuyler County respondent.

AC 01-05 IEPA v. Billy Hammond - The Board accepted an administrative citation against this Franklin County respondent.

## Environmental Register - July 2000

### Board Calendar

|                       |                 |   |  |
|-----------------------|-----------------|---|--|
| 8/10/2000<br>11:00 am |                 | Illinois Pollution Control Board Meeting  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                  |
| 8/22/2000<br>10:00 am | PCB 00-200      | American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.     | St. Clair County Building<br>Room B-564 (County Board Conference Room)<br>10 Public Square<br>Belleville, IL     |
| 8/23/2000<br>10:00 am | PCB 00-200      | American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.     | St. Clair County Building<br>Room B-564 (County Board Conference Room)<br>10 Public Square<br>Belleville, IL     |
| 8/23/2000<br>10:30 am | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)   | James R. Thompson Center<br>100 W. Randolph Street<br>Assembly Hall Auditorium<br>Concourse Level<br>Chicago, IL |
| 8/24/2000<br>10:30 am | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)   | James R. Thompson Center<br>100 W. Randolph Street<br>Assembly Hall Auditorium<br>Concourse Level<br>Chicago, IL |
| 8/24/2000<br>11:00 am |                 | Illinois Pollution Control Board Meeting  | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                                  |
| 8/25/2000<br>10:00 am | R00-19(A) & (B) | In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO)   | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                                  |
| 8/28/2000<br>1:00 pm  | R01-9           | In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOX Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 | City Hall Chambers<br>Municipal Center West<br>300 S. Seventh St.<br>Springfield, IL                             |
| 9/7/2000<br>11:00 am  |                 | Illinois Pollution Control Board Meeting  | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                                  |
| 9/7/2000<br>3:00 pm   | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)   | Naperville City Hall<br>City Council Chambers<br>400 S. Eagle St.<br>Naperville, IL                              |

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| 9/11/2000<br>10:00 am | R00-19(A) & (B) | In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO) | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/12/2000<br>10:00 am | R00-19(A) & (B) | In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO) | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/14/2000<br>3:00 pm  | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)                   | Joliet Junior College<br>K Building – Theater<br>1215 Houbolt Road<br>Joliet, IL                                |
| 9/18/2000<br>9:30 am  | PCB 99-191      | People of the State of Illinois v. Panhandle Eastern Pipe Line Company  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/19/2000<br>9:30 am  | PCB 99-191      | People of the State of Illinois v. Panhandle Eastern Pipe Line Company  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/20/2000<br>9:30 am  | PCB 99-191      | People of the State of Illinois v. Panhandle Eastern Pipe Line Company  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/21/2000<br>9:30 am  | PCB 99-191      | People of the State of Illinois v. Panhandle Eastern Pipe Line Company  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |
| 9/21/2000<br>11:00 am |                 | Illinois Pollution Control Board Meeting  | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                                 |
| 9/21/2000<br>3:00 pm  | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)                   | College of Lake County<br>Grayslake Campus<br>Auditorium, Room C005<br>19351 W. Washington St.<br>Grayslake, IL |
| 9/22/2000<br>9:30 am  | PCB 99-191      | People of the State of Illinois v. Panhandle Eastern Pipe Line Company  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL                 |

## Environmental Register - July 2000

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| 9/22/2000<br>10:00 am                | R00-19(A) & (B) | In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO)   | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                 |
| 9/26/2000<br>9:30 am                 | R01-9           | In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOX Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 | James R. Thompson Center<br>100 W. Randolph Street<br>Room 9-040<br>Chicago, IL                 |
| 10/5/2000<br>11:00 am                |                 | Illinois Pollution Control Board Meeting  | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL |
| 10/5/2000<br>1:00 pm                 | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)   | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL |
| 10/6/2000<br>10:00 am<br>(If needed) | R01-10          | In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)   | Illinois Pollution Control Board<br>Hearing Room 403<br>600 S. Second Street<br>Springfield, IL |
| 10/10/2000<br>1:00 pm                | R01-9           | In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOX Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 | James R. Thompson Center<br>100 W. Randolph Street<br>Suite 11-500<br>Chicago, IL               |

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### Environmental Register Comment Card

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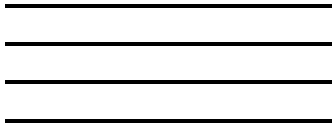
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The Illinois Pollution Control Board is an independent seven-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The Environmental Register is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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



## **Environmental Register - July 2000**

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