



ENVIRONMENTAL REGISTER



No. 528 ♦ A Publication of the Illinois Pollution Control Board ♦ June 1998

RULEMAKING UPDATE

Board Adopts Amendments in In the Matter of Tiered Approach to Corrective Action Objectives: Amendments to 35 Ill. Adm. Code 742, R97-12(C)

On June 4, 1998, the Board adopted as final rules for filing with the Secretary of State amendments to 35 Ill. Adm. Code 742. The Board opened this docket on December 4, 1997, as a result of a joint motion filed on December 3, 1997, by the Site Remediation Advisory Committee (SRAC) and the Illinois Environmental Protection Agency (IEPA). In their joint motion, the SRAC and the IEPA requested that the Board make corrections to Appendix A, Table H, entitled "Chemicals Whose Tier I Class I Groundwater Remediation Objective Exceed the 1 in 1,000,000 Cancer Risk Concentration" (Table H). The Board also on its own motion proposed to amend additional sections of Part 742 in order to make some non-substantive, grammatical, typographical, and technical changes that were identified after the adoption of Docket A in this rulemaking. The first notice order

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CHAIRMAN AND BOARD MEMBERS REAPPOINTED; NEW BOARD MEMBERS APPOINTED

On May 12, 1998, Governor Jim Edgar announced the reappointments of Claire A. Manning as Chairman and G. Tanner Girard and Marili McFawn as Board Members. Governor Edgar also appointed two new Board Members: Elena Z. Kezelis and Nicholas J. Melas. Senate confirmation of the reappointments and appointments occurred on May 20, 1998.

Claire A. Manning became Chairman of the Board on May 1, 1993. Prior to chairing the Board, Manning served as the chairman and a member of the Illinois State Labor Relations Board. She was previously appointed to serve as Chief Labor Relations Counsel for the Department of Central Management Services for the State

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FEDERAL ACTIONS

United States Environmental Protection Agency Revises National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries

On June 9, 1998, the United States Environmental Protection Agency (USEPA) revised the National Emission Standards for Hazardous Air Pollutants for petroleum refineries, which were issued as a final rule on August 18, 1995. 63 Fed. Reg. 31358 (June 9, 1998). The amendments revise the requirement that states submit a state implementation plan (SIP), if using emissions averaging, no later than 18 months prior to the compliance date. The requirement is revised to allow a state to submit a SIP for approval at any time prior to initiation of emissions averaging. USEPA has determined that the requirement to submit the SIP eighteen months prior to the

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was published in the *Illinois Register* at 21 Ill. Reg. 16982 (December 26, 1997).

During the first notice period, the Board held one hearing on January 12, 1998, regarding the merits of this proposal. On March 17, 1998, the Board also held a hearing in response to Public Act 90-489, effective January 1, 1998, which requires the Board to request the Department of Commerce and Community Affairs (DCCA) to conduct an economic impact study (EcIS) for a proposed rulemaking, and the Board to conduct a hearing on the matter thereafter. No one testified at the March 17, 1998, hearing regarding DCCA's decision not to perform an EcIS. No written comments were received during the first notice period. Accordingly, on April 16, 1998, the Board adopted for second notice review by the Joint Committee on Administrative Rules amendments to 35 Ill. Adm. Code 742.

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

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

On June 4, 1998, the Board adopted amendments to 35 Ill. Adm. Code 215. The rules amend Subpart A.General Provisions, Subpart F.Coating Operations, and Subpart Z.Dry Cleaners. Specifically, the amendments delete those regulations which are duplicated in Parts 218 and 219, add language at Section 216.206(a) which exempts certain coaters, add a new exemption for touch-up and repair coatings in Section 215.206(b), and delete Sections 215.206(b), 215.206(c), and 215.601 through 606. The Board adopted this matter for first-notice publication in the *Illinois Register* on February 5, 1998. See 22 Ill. Reg. 3674 (February 21, 1998).

Hearings were held on December 18 and 22, 1997. Two public comments were filed during the post-hearing public comment period. An additional hearing was held on March 30, 1998, in response to Public Act 90-489, effective January 1, 1998, which requires the Department of Commerce and Community Affairs (DCCA) to conduct an economic impact study (EcIS) of a proposed rulemaking and the Board to hold a hearing regarding the matter thereafter. DCCA decided not to conduct an EcIS

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of Illinois. Additionally, Ms. Manning has served as a visiting professor at the University of Illinois and as president-elect of the National Association of Labor Relations. Ms. Manning graduated from Loyola University School of Law in Chicago in 1979. She is a resident of Williamsville and works out of the Board's Springfield office.

G. Tanner Girard was first appointed to the Board on February 13, 1992. Dr. Girard formerly worked as an Associate Professor of Biology and Environmental Sciences at Principia College. He previously acted as the chairperson and commissioner for the Illinois Nature Preserves Commission and was the former vice president of the Illinois Environmental Council. Additionally, Dr. Girard acted as a past president of the Illinois Audobon Society. Dr. Girard graduated with a doctorate in science education. He lives in Grafton and works out of the Board's Jerseyville office.

Marili McFawn was initially appointed to the Board on November 12, 1993. Before appointment to the Board, Ms. McFawn was a partner at the law firm of Schiff Hardin & Waite. She has also worked as an attorney-assistant for the Board and as an enforcement staff attorney for the Illinois Environmental Protection Agency. Ms. McFawn received her *juris doctorate* from Loyola University School of Law in Chicago in 1979. Ms. McFawn is a resident of Inverness. She works out of the Board's Chicago office located in the James R. Thompson Center, Chicago.

Elena Z. Kezelis is a new appointee to the Board. Her term will begin on January 10, 1999. Ms. Kezelis presently serves as chief legal counsel to Governor Jim Edgar. She is a former law partner at Sonnenschein Nath & Rosenthal. Ms. Kezelis previously worked as a litigation associate at Isham, Lincoln & Beale. Additionally, Ms. Kezelis served as a law clerk for former federal District Court Judge George N. Leighton. Ms. Kezelis received her *juris doctorate* from John Marshall Law School in 1980. Ms. Kezelis is a resident of Springfield. She will work out of the Board's Springfield office.

Nicholas J. Melas is a new appointee to the Board and he assumed his position on July 1, 1998. Mr. Melas served as the former president and commissioner of the Metropolitan Water Reclamation District of Greater Chicago. He has acted as the president of N.J. Melas & Company, Inc., and was the former president of the Illinois Association of Sanitary Districts. Additionally,

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Mr. Melas served as a commissioner of the Northeastern Illinois Planning Public Building Commission. Mr. Melas received his Masters in Business Administration, Labor, and Industrial Relations from the University of Chicago. He is a resident of Chicago and will work out of the Board's Chicago office.

The Board and staff congratulate the Chairman and Board Members who have been reappointed and welcome the new Board Members. ♦

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of the proposed rulemaking. No one testified at the March 30, 1998 hearing regarding the economic impact of this rulemaking. No public comments were received with regard to the economic impact of this rulemaking. Accordingly, on April 16, 1998, the Board adopted the amendments for second-notice review by the Joint Committee on Administrative Rules.

Any questions regarding this rulemaking may be directed to Catherine Glenn at 312/814-6923; e-mail address: cglenn@pcb084r1.state.il.us ♦

Board Adopts First Notice Opinion and Order in In the Matter of: Amendments to Requirements for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c), 831.107, and 831.109(b)(3), R97-29

On June 17, 1998, the Board adopted for first-notice publication in the *Illinois Register* amendments to 35 Ill. Adm. Code 830.203(c), 831.107, and 831.109(b)(3) which set requirements for landscape waste compost facilities. This rulemaking arises out of a proposal filed on May 6, 1997, by two citizens, Dr. Renuka Desai and Susan Garrett (proponents).

The Board proposed a modified version of proponents' proposal. Specifically, the first-notice order requires certain composting areas established after January 1, 1999, to be located at least 1/8 mile from health care facilities, pre-school and child care facilities, and primary and secondary school facilities. The first-notice order also includes corresponding changes to requirements for site location maps and other information in permit applications.

The Board held two public hearings on the original proposal: the first, in Chicago on September 8, 1997; and the second, in Springfield, on October 7, 1997. A 45-day public comment period will commence upon publication

of the first notice proposal in the *Illinois Register*. All public comments should be filed during this time and should be addressed to the Clerk of the Board. One more

hearing is being scheduled to address issues specified in the June 17, 1998 Board opinion.

Any questions regarding this rulemaking may be directed to Richard McGill at 312/814-6983; e-mail address: rmcgill@pcb084r1.state.il.us ♦

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

On June 17, 1998, the Board adopted amendments to the Municipal Solid Waste Landfill (MSWLF) 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. The amendments have four general effects: (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 retain consistency between state rules and the federal Resource Conservation and Recovery Act Subtitle D program.

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. On February 5, 1998, the Board adopted for first notice publication in the *Illinois Register* a proposal for amendments to the Board's MSWLF rules, whereupon a 45-day public comment period commenced. See 22 Ill. Reg. 4240, 4247, 4255 (February 27, 1998). Three public comments were filed with the Board on the proposal. On May 21, 1998, the Board adopted the amendments for second notice review by the Joint Committee on Administrative Rules (JCAR). On June 16, 1998, JCAR issued a certificate of no objection to the amendments as proposed.

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

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Board Adopts Final Rules in In the Matter of Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources (Amendments to 35 Ill. Adm. Code 201), R98-13

On June 17, 1998, the Board adopted amendments to the general permitting provisions at 35 Ill. Adm. Code 201 to allow for issuance of perpetual permits for certain sources. The rules are required by amendments to the Environmental Protection Act (Act) (415 ILCS 5/1 (1996)) *et seq.* contained in Public Act 90-367 (Pub. Act 90-367, eff. August 10, 1997). Pursuant to Public Act 90-367, the Board is required to revise its rules to reflect the amendments to the Act before July 1, 1998.

On October 10, 1997, the Illinois Environmental Protection Agency (IEPA) filed a proposal to amend the Board's regulations concerning air permits. Specifically, the IEPA's proposal requests that the Board amend certain sections of Part 201 to allow for perpetual permits for sources that: (1) emit 25 tons or more per year and (2) are not subject to Section 39.5 of the Environmental Protection Act (415 ILCS 5/39.5 (1996)) or required to obtain a federally enforceable State operating permit. On November 20, 1997, the Board adopted these amendments for first notice publication in the *Illinois Register*. See 21 Ill. Reg. 16023 (December 12, 1997).

Hearings in this matter were held on December 8, 1997, in Chicago, and on January 12, 1998, in Springfield. Representatives of the Chemical Industry Council, the Illinois Environmental Regulatory Group, and the IEPA testified at the aforementioned hearings regarding the amendments. An additional hearing was held on March 30, 1998, on the single issue of the Department of Commerce and Community Affairs' decision not to conduct an economic impact study in connection with this rulemaking. No one testified at this hearing, and the Board has not received any comments on the economic impact study issue.

On April 16, 1998, the Board adopted the amendments for second notice review by the Joint Committee on Administrative Rules (JCAR). JCAR issued a certificate of no objection on June 16, 1998.

Questions regarding this rulemaking may be directed to Charles King at 312/814-6926; e-mail address: cking@pcb084r1.state.il.us ♦

Board Adopts Final Rules in In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220, R98-28

On June 17, 1998, the Board adopted amendments to Parts 201 and 220 in In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220. The adoption by the Board of these proposed amendments is authorized under Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)). Section 28.5 provides for "fast-track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments (CAAA) of 1990 (42 U.S.C. 7401-76719 (1990)).

Section 111(d) of the CAAA requires that states submit a plan for the control of emissions from any source for which the United States Environmental Protection Agency (USEPA) has promulgated a performance standard. USEPA has promulgated a new source performance standard (NSPS) and an emission guideline (EG) for municipal landfills which require that non-methane organic compounds (NMOC) be controlled. 40 C.F.R. 51, 52, 60. The NSPS and EG apply to municipal landfills that accept household waste, but these landfills may also accept other types of waste, *e.g.*, commercial or industrial. The NSPS applies to municipal landfills where construction, reconstruction, or modification began on or after May 30, 1991. The EG also applies to municipal landfills where construction, reconstruction, or modification began before May 30, 1991. The municipal landfill owner or operator must either have accepted waste since November 8, 1987, or have unused capacity for additional waste.

The rules include provisions for implementing the EGs for the control of emissions from existing municipal landfills in Illinois. The rules contain standards and control requirements that are intended to be equivalent to those included in the NSPS. The rules also require certain existing landfill owners or operators to report their design capacity and annual NMOC emission rate, and if emissions are equal or greater to 50 Mg/year, to install a gas collection control system. The major parts of the rules are the applicability criteria, control requirements, compliance, operational standards, monitoring, reporting, recordkeeping, and amendments to exempt smaller landfills from state permitting requirements.

On March 19, 1998, the amendments were adopted for first-notice publication in the *Illinois Register*. See 22 Ill. Reg. 6466, 6500 (April 10, 1998). The Board held a hearing in this matter on May 1, 1998, in Chicago. The

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second hearing was held on May 13, 1998, in Springfield. The second hearing addressed the decision of the Department of Commerce and Community Affairs not to perform an economic impact study, in accordance with Section 27(b) of the Act as amended by Public Act 90-489, effective January 1, 1998. On June 4, 1998, the Board adopted a second-notice proposal for review by the Joint Committee on Administrative Rules (JCAR). On June 16, 1998, JCAR voted "no objection" to the proposed rules.

For further information regarding this rulemaking, please contact Catherine Glenn at 312/814-6923; e-mail address: cglenn@pcb084r1.state.il.us ♦

Board Adopts Final Identical-in-Substance Rules in the Matter of Exemptions from the Definition of Volatile Organic Material, USEPA Amendments (July 1, 1997, through April 9, 1998), R98-17

On June 17, 1998, the Board adopted amendments in this rulemaking to update the definition of volatile organic material in 35 Ill. Adm. Code 211.7150 to reflect the most recent United States Environmental Protection Agency (USEPA) exemption of 17 compounds from regulation as tropospheric ozone precursors. See 62 Fed. Reg. 44900 (August 25, 1997); 63 Fed. Reg. 17331 (April 9, 1998). For a complete list of the 17 compounds see page 2 of the Board's June 17, 1998 opinion and order in docket R98-17. The Board expanded the scope of the docket to include the USEPA's April 9, 1998, exemption of methyl acetate, as the Board anticipated that many Illinois sources may wish to use this common chemical.

Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (1996)) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (Procedure Act) (5 ILCS 100/5-35, 5-40 (1996)) do not apply to this proceeding. Because it is not subject to Section 5 of the Procedure Act, this rulemaking is not subject to first-notice and second notice review by the Joint Committee on Administrative Rules. In addition, this rulemaking is not subject to the economic impact study requirements of Section 27(b) of the Act.

The Board adopted a proposal for public comment in this rulemaking on April 16, 1998. Upon publication of the proposal in the *Illinois Register*, a 45-day public comment period commenced. See 22 Ill. Reg. 7450 (May 1, 1998). One hearing on the proposal was held on June 3, 1998. One public comment was filed by the Illinois Environmental Protection Agency.

Please direct any questions regarding this rulemaking to Amy Muran Felton, 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts Final Identical-in-Substance Rules in the Matter of Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997, through December 31, 1997), R98-23

On June 17, 1998, the Board adopted amendments to include revisions adopted by the United States Environmental Protection Agency (USEPA) to the procedures for modification of wastewater pretreatment regulations incorporated into a National Pollution Discharge Elimination System permit of a publicly-owned treatment works. See 62 Fed. Reg. 38406 (July 17, 1997).

Section 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/13.3 (1996)) provides for quick adoption of regulations that are identical in substance to federal wastewater pretreatment regulations adopted by USEPA pursuant to Section 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). Section 13.3 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA), (5 ILCS 100/5-35, 5-40 (1996)) do not apply to this proceeding. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to first-notice or second-notice review by the Joint Committee on Administrative Rules and to the economic impact study requirements of Section 27(b) of the Act. On April 16, 1998, the Board adopted a proposal for public comment in this rulemaking. No public comments were filed with the Board during the 45-day public comment period. See 22 Ill. Reg. 7465 (May 1, 1998).

Any questions regarding this rulemaking may be directed to Amy Muran Felton, 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

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compliance date precludes an existing source from using emissions averaging if it decides to do so in the future. The rule also exempts specific streams associated with hydrogen plants from the requirements for process vents.

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The direct final rule will be effective on August 18, 1998, without further notice unless USEPA receives relevant adverse comments on or before July 9, 1998. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket Number A-93-48, USEPA, 401 M Street, S.W., Washington, D.C. 20460. A separate copy of the comment should also be sent to: Mr. James Durham, Waste and Chemical Processes Group, Emission Standards Division (MD-13), USEPA, Research Triangle Park, North Carolina 27711. ♦

United States Environmental Protection Agency Adopts Rules Identifying Areas As Attainment for the One-Hour Ozone Standard

On June 5, 1998, the United States Environmental Protection Agency (USEPA) adopted rules which identify ozone areas attaining the one-hour standard. 63 Fed. Reg. 31014 (June 5, 1998). The result of this determination is that the one-hour standard is no longer applicable in these areas.

On January 16, 1998, USEPA published a direct final rule to identify ozone areas where the one-hour standard is no longer applicable, which was withdrawn on March 16, 1998, due to adverse comments. See 63 Fed. 2726 (January 16, 1998); 63 Fed. Reg. 12652 (March 16, 1998). In this direct final rule, USEPA addressed the comments received, corrected the typographical errors contained within the proposed rules, and finalized the determination that the one-hour standard no longer applies for specific areas.

No changes occurred in Illinois. The standard still applies in the Chicago Metropolitan Area, which is a moderate nonattainment area. This action was effective June 5, 1998. ♦

United States Environmental Protection Agency Proposes Amendments to Hazardous Chemical Reporting Thresholds in Emergency Planning and Community Right-to-Know Act Regulations

On June 8, 1998, the United States Environmental Protection Agency (USEPA) proposed amendments to hazardous chemical reporting thresholds in Emergency Planning and Community Right-to-Know Act (EPCRA) regulations. 63 Fed. Reg. 31267 (June 8, 1998). The amendments would be codified at 40 C.F.R. Sections 355 and 377 (40 C.F.R. §§ 355, 370 (1996), which are regulations implementing Sections 302, 303, 304, 311,

and 312 of EPCRA. 42 U.S.C. §§ 11002, 11003, 11004, 11021, 11022 (1996). These rules provide requirements for emergency planning and release notification, and hazardous chemical community right-to-know reporting notification.

USEPA states that the proposed changes are intended to reduce reporting burdens, while preserving the important public health and safety benefits of the hazardous chemical reporting requirements. Specifically, USEPA proposes to raise the reporting thresholds for gasoline and diesel fuel in underground storage tanks at retail gas stations, and to set new reporting thresholds for some additional hazardous chemicals. USEPA also proposes to make clarifying changes to the mixture requirements. In addition, USEPA is publishing draft guidance as part of the preamble to provide states and local governments with more discretion in implementing the federal requirements. This guidance would not be binding and does not involve any regulatory changes. USEPA anticipates that the elimination of unnecessary reporting will help focus emergency planning and prevention on more significant hazards.

Comments (original plus three copies) may be submitted on or before September 8, 1998, to: Docket Number 300RR-IF1, Docket Coordinator, USEPA, CERCLA Docket Office, 401 M Street, S.W., Washington, D.C. 20460. ♦

United States Environmental Protection Agency Proposes Standards for Lead-Based Paint Hazards in Pre-1978 Housing and Child-Occupied Facilities

On June 3, 1998, the United States Environmental Protection Agency (USEPA) proposed standards for lead-based paint hazards in pre-1978 housing and child-occupied facilities. 63 Fed. 30301 (June 3, 1998). The regulations implement the Toxic Substances Control Act (15 U.S.C. § 2601 (1996)) also known as "Title X." The proposed regulations are a focal point of the federal lead program and implement regulations which deal with worker training and certification, lead hazard disclosure in real estate transactions, requirements for lead cleanup under state authorities, lead hazard evaluation, and grant assistance in lead abatement. The proposed regulations also establish residential lead dust cleanup levels, amendments to dust and soil sampling requirements, and amendments to state program authorization requirements. USEPA anticipates that the proposed regulations will help to prevent lead poisoning in children under the age of six.

Written comments must be received on or before September 1, 1998, and may be mailed (in triplicate) to: Docket Number OPPTS-62156, OPPT Document Control

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Officer (7407), Office of Pollution Prevention and Toxics, USEPA, 401 M Street, S.W., Room G099, Washington, D.C. 20460. ♦

United States Environmental Protection Agency Requests Comment About Proposed Federal Consent Decree with American Honda Motors Company, Inc. Covering Failure of On-Board Diagnostic Testing Equipment

On June 8, 1998, a proposed consent decree in United States v. American Honda Motor Co., Inc., Civil Action Number 98-01433, was filed with the United States District Court for the District of Columbia. 63 Fed. Reg. 33394 (June 18, 1998). In this action, the United States asserted that certain model-year 1995, 1996, and 1997 American Honda Motor Company, Inc. (American Honda) vehicles fail to comply with the emission-control requirements of the Clean Air Act (42 U.S.C. 7401 (1990)) and the regulations promulgated thereunder relating to the detection of engine misfire through the use of computerized on-board diagnostic testing.

In accordance with the proposed consent decree, American Honda has agreed to resolve the United States' claims by providing each current and all subsequent

owners of American Honda vehicles covered by the settlement with a 14-year/150,000 mile extended emissions warranty, a free engine check at any time between 50,000 and 75,000 miles (to identify emission-related defects covered by the extended emissions warranty), and a free tune up (to maintain the engines' emissions performance) at anytime between 75,000 and 150,000 miles of use. The consent decree requires American Honda to notify affected owners (including persons who purchase the vehicles from current owners) of the extended emissions warranty and services available under the consent decree following entry of the consent decree by the District Court, again when each vehicle is approximately four years old, and when the vehicle is approximately nine-years old.

Further, the proposed consent decree provides that American Honda will pay \$10.1 million in civil penalties and spend \$1 million to implement a supplemental environmental project to enhance the use of on-board diagnostic testing by states in connection with their motor vehicle emissions inspection and maintenance programs.

Comments regarding the proposed consent decree must be received by July 18, 1998, and should be addressed to: Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. American Honda Motor Co., Inc., Civil Action Number 98-01433, D.J. Ref. 90-5-2-1-2170. ♦

Section 28.1(d)(3) of the Environmental Protection Act (415 ILCS 5/28.1(d)(3) (1996)) requires the Board to annually publish in the *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 1998 (July 1, 1997, through June 30, 1998).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 1998 (July 1, 1997, through June 30, 1998)

Docket/Docket Title

AS 94-006: In the Matter of: Petition of Hydrosol, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.Subpart DD

Final Determination

On December 18, 1997, the Board dismissed the petition for an adjusted standard from the volatile organic emission air standards for aerosol can filling operations filed on behalf of this Cook County facility. The Board found that the petition was deficient as of March 3, 1994, and no other filings were received by the Board in over three years.

Docket/Docket Title

AS 96-006: In the Matter of: Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D

Final Determination

On December 18, 1997, the Board denied the petition for an adjusted standard from hazardous waste listing and identification regulations for dissolved air flotation floats under 35 Ill. Adm. Code 721.132 filed on behalf of this Madison County refinery. The Board found that petitioner did not follow the specified procedures in testing demonstration samples and therefore did not meet the requirements for the requested hazardous waste delisting.

AS 97-002: In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)

On March 19, 1998, the Board denied the petition for an adjusted standard from certain solid waste listing and identification regulations filed on behalf of this Madison County facility for 40,000 tons of zinc oxide material. The Board found that petitioner failed to provide sufficient evidence in support of the requested the solid waste delisting.

AS 97-005: In the Matter of: Petition of the Louis Berkman Company d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code 215.Subpart F

On May 7, 1998, the Board granted petitioner an adjusted standard from regulations that limit the amount of volatile organic material that may be contained in coatings it applies to products manufactured at its Ogle County facility. The adjusted standard will terminate on May 7, 2008.

AS 97-006: 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

On May 21, 1998, the Board granted voluntary withdrawal of this petition filed on behalf of this Madison County facility for an adjusted standard from certain water quality standards relating to its ammonia discharges from its wastewater treatment plant.

AS 97-008: In the Matter of: Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309

On July 10, 1997, the Board granted this Jackson County landfill an adjusted standard, with conditions, from certain leachate treatment and disposal system regulations.

AS 97-010: In the Matter of: Petition of Waste Professionals, Inc. d/b/a Pekin Landfill for an Adjusted Standard from 35 Ill. Adm. Code 814.Subpart D

On February 19, 1998, the Board granted this Tazewell County landfill an adjusted standard, with conditions, from certain permitting and other requirements regarding closure of landfills. In accordance with the Board order, petitioner must begin closure of the landfill no later than November 18, 1998.

AS 97-011: In the Matter of: Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code 814.Subpart D

On May 7, 1998, the Board granted voluntary withdrawal of this petition filed on behalf of a Winnebago County facility for an adjusted standard for its landfill.

Docket/Docket Title

AS 98-001: In the Matter of: Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code 814.Subpart D

AS 98-005: In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application)

AS 98-007: In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305

Final Determination

On September 18, 1997, the Board granted this LaSalle County facility an adjusted standard, with conditions, from certain permitting and other requirements regarding closure of landfills. In accordance with the Board order, petitioner may not accept any waste on or after March 18, 1999.

On May 7, 1998, the Board dismissed the petition for an adjusted standard as petitioner's requested relief is duplicative of an adjusted standard previously granted by the Board in In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application) AS 95-4, August 24, 1995.

On June 18, 1998, the Board granted voluntary withdrawal of this petition filed on behalf of a St. Clair County facility for an adjusted standard. The petition sought relief from the disinfection requirement for excess flows discharged from one of its lift stations.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 1998 (July 1, 1997, through June 30, 1998)

The Board took no final actions in combined sewer overflow exception proceedings during fiscal year 1998.

Address **written comments or request copies**, noting the appropriate docket number, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312/814-3620

Address **questions** concerning this notice, noting the appropriate docket number, to:

Name: Amy Muran Felton, Attorney
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312/814-7011
Internet: amuranfe@pcb084r1.state.il.us ♦

APPELLATE UPDATE

Horsehead Resource Development Company, Inc. v. Illinois Pollution Control Board and Conversion Systems, Inc., No. 1-96-2571 (1997) (unpublished order under Illinois Supreme Court Rule 23).

First District Affirms Board's Adoption of a Federal Hazardous Waste Delisting of Electric Arc Furnace Dust Through the Identical-In-Substance Procedure.

Horsehead Resource Development Company, Inc. (Horsehead) appealed the Board's June 20, 1996 order adopting a federal hazardous waste delisting of electric arc furnace dust (EAFD) treated by Conversion Systems, Inc., (CSI) through the identical-in-substance rulemaking procedure. This appeal was the first challenge made to the Board's use of the identical-in-substance rulemaking process as defined in Section 7.2 of the Environmental Protection Act (Act) and as mandated in other sections for Board use in maintaining regulatory parity with specified federal programs. See, *e.g.* Section 22.4 of the Act (415 ILCS 5/22.4 (1996)), which requires the use of identical-in-substance rules adopted under the federal Resource Conservation and Recovery Act of 1976 (RCRA). The appellate court affirmed the Board's decision, finding that Horsehead failed to establish the Board exceeded its statutory authority under the Act by promulgating the delisting through the identical-in-substance procedure under Section 7.2(a) of the Act.

Until 1991, EAFD was a listed hazardous waste and was subject to RCRA land disposal restrictions. These restrictions made disposal of the EAFD more costly than a non-hazardous waste. In 1991, the United States Environmental Protection Agency (USEPA) delisted EAFD treated by the high temperature metals recovery process being used by Horsehead. As a result of this delisting, Horsehead gained an economic advantage over others in the industry for whom the EAFD was still a listed hazardous waste.

In 1993, CSI obtained a USEPA delisting of its EAFD which was treated by a "Super Detox" process. CSI then requested that Illinois adopt the USEPA's delisting of the "Super Detox" treated EAFD. The Board issued a proposed opinion in February 1996,

which adopted the federal delisting using the identical-in-substance process authorized by Sections 7.2(a) and 22.4

of the Act. Horsehead filed comments objecting to the adoption of the federal delisting. Nevertheless, on June 20, 1996, the Board entered a final opinion which adopted the federal delisting by use of the identical-in-substance process. The Board noted that the identical-in-substance process does not allow or require the Board to reconsider the merits of a USEPA delisting.

On appeal, Horsehead argued that the Board exceeded its statutory authority in utilizing the identical-in-substance procedure to adopt the federal delisting. Horsehead asserted that the Board should have instead followed the adjusted standard process, pursuant to Section 28.1 of the Act and Sections 720.120(a) and 720.122(m) and (n) of the Board's rules, in considering the delisting.

In affirming the Board's decision, the appellate court reasoned that the Board's interpretation of the Act, which it is charged with administering, is entitled to deference. Furthermore, when the Board exercises its rulemaking powers, it is acting in a quasi-legislative capacity and can only be overturned if it is found to act in an arbitrary and capricious manner.

Looking to the language of Sections 720.120(a) and 720.122(m) and (n) of the Illinois Administrative Code, the court found no support for Horsehead's contention that the adjusted standard procedures were the only procedures available to the Board for considering a hazardous waste delisting. In fact, in Section 720.120(a), the Board specifically reserved the option to use identical-in-substance rulemaking procedures to adopt recent federal delisting amendments and regulations.

Horsehead also argued that the Board erred in failing to consider comments submitted in objection to the proposed delisting. Since the court concluded that the Board correctly used the identical-in-substance rulemaking procedure, it did not address this argument. However, on the issue of the identical-in-substance rulemaking procedure, the court did restate the reasoning set forth in

the Board's final opinion as follows, "[t]he theory behind the identical-in-substance procedure is that the USEPA has reviewed all the merits of the actions that it has undertaken, so substantive Board review of those actions is not necessary." For these reasons, the appellate court

concluded that Horsehead failed to carry its burden of showing the Board's decision to be arbitrary and capricious. As a result, the Board's decision was affirmed. ♦

BOARD ACTIONS 6/4/98

RULEMAKINGS

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| R97-12(C) | <u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742). | 7-0 |
| R98-15 | <u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-Attainment Areas)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending 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. | 7-0 |
| R98-28 | <u>In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220</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 air pollution control regulations. | 7-0 |

ADJUSTED STANDARDS

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| AS 98-7 | <u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705</u> - The Board directed petitioner to file its proof of publication for this request for an adjusted standard by June 11, 1998, or this matter will be dismissed. | 6-0
Hennessey
abstained |
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ADMINISTRATIVE CITATIONS

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| AC 98-15 | <u>County of Jackson v. Michael Nosovitsky</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Jackson County facility, the Board dismissed the alleged violation against respondent for causing or allowing open burning in violation of 415 ILCS 5/21(p)(3) (1996), found this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)), and ordered respondent to pay a civil penalty of \$500. | 7-0 |
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ADMINISTRATIVE CITATIONS (CONT'D)

AC 98-25	<u>IEPA v. Melvin C. Dyer</u> - The Board found that this Coles County respondent violated Sections 21(p)(1), (p)(3), and (p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4)(1996)) and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 98-26	<u>IEPA v. Jay Greer</u> - The Board found that this Madison County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500.	7-0

ADJUDICATORY CASESDecisions

PCB 98-93	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a DuPage County facility, ordered respondent to pay a civil penalty of \$30,000, and to cease and desist from further violations.	6-0 Hennessey abstained
PCB 98-123	<u>People of the State of Illinois v. Gilster Mary Lee Corporation</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a Randolph County facility, ordered respondent to pay a civil penalty of \$20,000, and to cease and desist from further violations.	6-0 Hennessey abstained

Provisional Variances

PCB 98-163	<u>Caterpillar, Inc. (Mapleton Plant) v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Peoria County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in NPDES permit No. IL0001830 and in 35 Ill. Adm. Code 309.102(a) and 304.141(b).	6-0 Hennessey abstained
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Motions and Other Matters

PCB 93-191	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice and Fuel and Lloyd Wiemann d/b/a Wiemann Ice and Fuel v. Texaco Refining and Marketing, Inc., and Eugene & Cheryl Halbrooks as Cross-Respondents</u> - The Board granted cross-respondents' motion for entry of appearance.	7-0
PCB 94-163	<u>Richard E. Gaunt, Sr. V. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Tazewell County facility.	7-0

PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, Subhash Patel, and Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - The Board granted respondent Electronic Interconnect, Inc.'s motion to correct its May 7, 1998 order.	7-0
PCB 96-181	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted respondent's motion for leave to file instant its response to petitioner's motion for summary judgment. No action was taken on petitioner's motion for summary judgment.	7-0
PCB 97-62	<u>People of the State of Illinois v. Geon 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 against a Marshall County facility, the Board ordered publication of the required newspaper notice.	7-0
PCB 97-210	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted respondent's motion for leave to file instant its response to petitioner's motion for summary judgment. No action was taken on petitioner's motion for summary judgment.	7-0
PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator - St. Libory</u> - The Board granted complainants' motion for leave to file and accepted its second amended complaint.	7-0
PCB 98-120	<u>Autotime/Bob Macas, Inc. v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-121	<u>John Deere Harvester Works 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 Rock Island County facility.	7-0

Motions and Other Matters(Cont'd)

PCB 98-128	<u>SSCI Joint Venture, and The Coca-Cola Company 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.	7-0
PCB 98-132	<u>Illinois State Toll Highway Authority (O'Hare-East-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-133	<u>Illinois State Toll Highway Authority (Des Plaines-South-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0

PCB 98-134	<u>Illinois State Toll Highway Authority (Hinsdale-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-135	<u>Illinois State Toll Highway Authority (Lake Forest-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.	7-0
PCB 98-136	<u>Illinois State Toll Highway Authority (Lake Forest-East-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.	7-0
PCB 98-137	<u>Illinois State Toll Highway Authority (Des Plaines-North-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-138	<u>Illinois State Toll Highway Authority (Lincoln-North-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-139	<u>Illinois State Toll Highway Authority (O'Hare-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-155	<u>Leyden High Schools v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this request for a 90-day extension involving a Cook County facility.	7-0

Motions and Other Matters(Cont'd)

PCB 98-159	<u>Massac County School Unit District #1 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 a Massac County facility.	7-0
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BOARD ACTIONS 6/17/98

RULEMAKINGS

R97-29	<u>In the Matter of: Amendments to Requirements for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203©, 831.107, and 831.109(b)(3)</u> - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first-notice opinion and order in this proposed rulemaking to amend the location standards for compost facilities.	6-0
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R98-9	<u>In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the Board's solid waste disposal regulations.	6-0
R98-13	<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> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the Board's air pollution control regulations.	6-0
R98-17	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order in this identical-in substance rulemaking amending the Board's air pollution control regulations.	6-0
R98-23	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997 through December 31, 1997)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order in this "identical-in substance" rulemaking amending the Board's wastewater pretreatment regulations.	5-0 Hennessey abstained
R98-28	<u>In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the Board's air pollution control regulations.	5-1 Meyer dissented

ADJUSTED STANDARDS

AS 98-7	<u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705</u> - The Board granted petitioner's motion for withdrawal of this request for an adjusted standard involving a St. Clair County facility.	5-0 Hennessey abstained
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ADMINISTRATIVE CITATIONS

AC 94-28)	<u>Sangamon County v. ESG Watts, Inc.</u> - In response to a joint stipulation and settlement agreement in these administrative citation actions involving a Sangamon County facility, the Board dismissed AC 94-95, found this Sangamon County respondent violated Section 21(o)(1), (5), and (12) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (5), (12) (1996)), and ordered respondent to pay a civil penalty of \$20,000.	6-0
AC 94-29)		
AC 94-48)		
AC 94-49)		
AC 94-50)		
AC 94-51)		
AC 94-52)		
AC 94-58)		
AC 94-59)		
AC 94-60)		
AC 94-61)		
AC 94-81)		
AC 94-82)		
AC 94-90)		
AC 94-91)		
AC 94-95)		
AC 95-08)		
AC 95-18)		
AC 95-21)		
AC 95-28)		
AC 95-29)		
AC 97-3	<u>County of Will v. Charlotte Raymond, Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and Annette Stilts</u> - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.	6-0

ADMINISTRATIVE CITATIONS (CONT'D)

AC 97-13	<u>County of DuPage v. M. Saleem Choudhry</u> - The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(4) of the Act, 415 ILCS 5/21(p)(1), (4) (1996). The County of DuPage and the Clerk of the Board are to file a statement of hearing costs, supported by affidavit, with the Board and with service on respondent, within 21 days of this order, on or before July 8, 1998 respondent. Respondent was given leave to file a reply to the filings ordered in paragraph 2 of this order within 14 days after receipt of that information, or on or before July 22, 1998.	6-0
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AC 98-28 County of Will v. Richard and Kim Guess - The Board found that these Will County respondents violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3) (1996)) and ordered respondents to pay a civil penalty of \$1,000. 6-0

ADJUDICATORY CASES

Decisions

PCB 97-31 People of the State of Illinois v. Johnnie Mae Hendricks - The Board found that this Macoupin County respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$39,000. Complainant was also ordered to submit an affidavit in support of its request for fees and costs by July 2, 1998. 5-0
Hennessey
abstained
Flemal and
Manning
concurred

PCB 97-223 People of the State of Illinois v. Allen Rose Cement and Construction Company and Lindahl Brothers, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondents to pay a civil penalty of \$5,000, and ordered them to cease and desist from further violations. 6-0

PCB 98-56 People of the State of Illinois v. Certified Wrecking Company, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this air enforcement action involving facilities in Cook County, ordered respondent to pay a civil penalty of \$8,500, and order it to cease and desist from further violations. 6-0

PCB 98-153 People of the State of Illinois v. Gilster Mary Lee Corporation - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a Randolph County facility, ordered respondent to pay a civil penalty of \$8,000, and to cease and desist from further violations. 5-0
Hennessey
abstained

Provisional Variances

PCB 98-163 City of Pontiac v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Livingston County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in NPDES permit No. IL0030457 and in 35 Ill. Adm. Code 304.141(a). 5-0
Hennessey
abstained

MOTIONS AND OTHER MATTERS

PCB 92-161	<u>National Steel Corporation Granite City Division v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this NPDES permit appeal involving a Madison County facility.	5-0 Hennessey abstained
PCB 97-174	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u> - The Board granted the parties' agreed motion for dismissal of this citizens air enforcement action involving a Vermilion County facility.	6-0
PCB 97-207	<u>People of the State of Illinois v. Inspiration Development Company</u> - The Board granted complainant's agreed motion to stay complainant's motion to strike affirmative defenses. Respondent's response to the motion to strike affirmative defenses is now due by July 31, 1998.	6-0
PCB 97-215	<u>People of the State of Illinois v. Keyser Industries, Inc., d/b/a Florida Plastics International, 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 against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0
PCB 98-85	<u>People of the State of Illinois v. The Central Illinois Conference of the United Methodist Church</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 against a McLean County facility, the Board ordered publication of the required newspaper notice.	6-0

MOTIONS AND OTHER MATTERS (CONT'D)

PCB 98-88	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board granted the parties' agreed motion to consolidate these 12 underground storage tank appeals.	6-0
PCB 98-115		
PCB 98-124		
PCB 98-125		
PCB 98-132		
PCB 98-133		
PCB 98-134		
PCB 98-135		
PCB 98-136		
PCB 98-137		
PCB 98-138		
PCB 98-139		

PCB 98-98	<u>Environmentally Concerned Citizens Organization and Beth Finney v. Landfill L.L.C. d/b/a West End Disposal Facility and Saline County Board of Commissioners</u> - The Board denied petitioners' motion for reconsideration of the May 7, 1998 Board order.	6-0
PCB 98-143	<u>Accurate Perforating Company, Inc. v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	6-0
PCB 98-147	<u>Jake Seabury v. IEPA</u> - The Board denied petitioner's request for a 90-day extension of appeal period, but accepted petitioner's letter requesting an extension as a petition for review, ordering petitioner to file an amended petition or the action would be subject to dismissal.	6-0
PCB 98-160	<u>Devro-Teepak, Inc. v. IEPA</u> - The Board accepted for hearing this trade secret appeal involving a Vermilion County facility.	6-0
PCB 98-161	<u>Devro-Teepak, Inc. v. IEPA</u> - The Board accepted for hearing this trade secret appeal involving a Vermilion County facility.	6-0
PCB 98-164	<u>City of Rock Island v. IEPA</u> - The Board granted petitioner's application for admission <i>pro hac vice</i> for Thomas A. Hamilton, and held the request for variance for the Rock Island facility, pending receipt of the IEPA's recommendation.	4-0 Hennessey and Manning abstained

MOTIONS AND OTHER MATTERS (CONT'D)

PCB 98-165	<u>Safety Partners, Ltd. 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 a Madison County facility.	6-0
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NEW CASES 6/4/98

98-120 Autotime/Bob Macas, Inc. v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-132 Illinois State Toll Highway Authority (O'Hare-East-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-133 Illinois State Toll Highway Authority (Des Plaines-South-Oasis) v. IEPA - The Board accepted for

hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-134 Illinois State Toll Highway Authority (Hinsdale-West-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-135 Illinois State Toll Highway Authority (Lake Forest-West-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.

98-136 Illinois State Toll Highway Authority (Lake Forest-East-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.

98-137 Illinois State Toll Highway Authority (Des Plaines-North-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-138 Illinois State Toll Highway Authority (Lincoln-North-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-139 Illinois State Toll Highway Authority (O'Hare-West-Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-159 Massac County School Unit District #1 v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Massac County facility.

98-162 People of the State of Illinois v. Judy Davis - The Board accepted for hearing this land enforcement action against a Henry County facility.

98-163 Caterpillar, Inc. (Mapleton Plant)v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Peoria County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in NPDES permit No. IL0001830 and in 35 Ill. Adm. Code 309.102(a) and 304.141(b).

AC 98-32 County of LaSalle v. Tom Dickey - The Board accepted an administrative citation against this LaSalle County respondent.

AC 98-33 County of LaSalle v. Mike and Janet Brown - The Board accepted an administrative citation against these LaSalle County respondents.

AC 98-34 IEPA v. Jeadon Leasing, Inc. - The Board accepted an administrative citation against this Saline County respondent.

NEW CASES 6/17/98

98-160 Devro-Teepak, Inc. v. IEPA - The Board accepted for hearing this trade secret appeal involving a Vermilion County facility.

98-161 Devro-Teepak, Inc. v. IEPA - The Board accepted for hearing this trade secret appeal involving a Vermilion County facility.

98-164 City of Rock Island v. IEPA - The Board granted petitioner's application for admission *pro hac vice* for Thomas A. Hamilton, but held the request for variance for a Rock Island facility, pending receipt of the IEPA's recommendation.

98-165 Safety Partners, Ltd. v. IEPA - The Board granted this request for a 90-day extension of time to file an

underground storage tank appeal on behalf of a Madison County facility.

98-166 People of the State of Illinois v. Brzuszkiewicz Auto Rebuilders, Inc. - The Board accepted for hearing this land enforcement action against a Cook County facility.

AC 98-35 IEPA v. Richard Henderson d/b/a Henderson Salvage - The Board accepted an administrative citation against this Fulton County respondent.

AC 98-36 County of Vermilion v. Brickyard Disposal and Recycling - The Board accepted an administrative citation against this Vermilion County respondent.

AC 98-37 IEPA v. James Harris - The Board accepted an administrative citation against this Knox County respondent.

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
7/8/98 2:30 pm		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
7/16/98 10:00 am	PCB 96-111	People of the State of Illinois v. John Chalmers, individually and d/b/a John Chalmers Hog Farm	Illinois Pollution Control Board, Suite 402; 600 South Second Street; Springfield, IL
7/21/98 10:00 am	R98-29	In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219)	Third Floor Conference Room, 600 South Second Street, Springfield, IL
7/23/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
7/31/98 10:00 am	R98-29	In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219)	James R. Thompson Center, Pollution Control Board, Suite 11-500, 100 West Randolph Street, Chicago, IL
8/6/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
8/12/98 10:00 am	PCB 98-18	James R. and Lucille J. Metz v. United States Postal Service	Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield, IL
8/13/98 10:00 am	PCB 98-18	James R. and Lucille J. Metz v. United States Postal Service	Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield, IL
8/18/98 9:30 am	PCB 94-373	People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.	Olney City Hall, Council Chambers, 300 Whittle Avenue, Olney, IL
8/19/98 9:30 am	PCB 94-373	People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.	Olney City Hall, Council Chambers, 300 Whittle Avenue, Olney, IL
8/20/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
8/20/98 9:30 am	PCB 94-373	People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.	Olney City Hall, Council Chambers, 300 Whittle Avenue, Olney, IL
8/21/98 9:30 am	PCB 94-373	People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.	Olney City Hall, Council Chambers, 300 Whittle Avenue, Olney, IL
9/3/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
9/17/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, 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*

July 9	September 3	November 5
July 23	September 17	November 19
August 6 +	October 1	December 3
August 20	October 15	December 17

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

+ The August 6 meeting was originally scheduled to be held in Springfield, but it has been changed to Chicago.

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

Claire A. Manning, Chairman Springfield		
Ronald C. Flegal DeKalb	G. Tanner Girard Grafton	Kathleen M. Hennessey Western Springs
Marili McFawn Inverness	Nicholas J. Melas 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.

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