



# ENVIRONMENTAL REGISTER



No. 526 ♦ A Publication of the Illinois Pollution Control Board ♦ April 1998

## **RULEMAKING UPDATE**

**Board Adopts Fast Track Air Rulemaking Regarding Major Stationary Sources Construction and Modification (New Source Review Rules): Amendments to 35 Ill. Adm. Code 203, R98-10**

On March 5, 1998, the Board adopted amendments to 35 Ill. Adm. Code 203, the New Source Review (NSR) rules, docketed by the Board as R98-10. On September 2, 1997, the Illinois Environmental Protection Agency (IEPA) filed a proposal for rulemaking to amend the NSR rules. This rulemaking revises particular sections in 35 Ill. Adm. Code 203 so that the language more closely reflects the terminology used in Sections 182(c)(7) and (8) of the Clean Air Act. 42 U.S.C. § 7511(c)(7), (8) (1996). The rule affects existing sources in ozone nonattainment areas that are subject to the "special rules" for modifications found at Sections 182(c)(7) and (8) of the Clean Air Act, *i.e.*, existing sources making "major" modifications at sources in serious and severe ozone nonattainment areas. (This would, as a practical matter, currently affect only the Chicago ozone nonattainment area. See 35 Ill. Adm. Code 218.103.)

*(Rulemaking Update Cont'd on p.2)*

## **FEDERAL ACTIONS**

**United States Environmental Protection Agency Approves an Illinois State Implementation Plan for the Granite City Particulate Matter Nonattainment Area**

On March 11, 1998, the United States Environmental Protection Agency (USEPA) approved an Illinois State Implementation Plan (SIP) for Granite City particulate matter (PM) nonattainment area. 63 Fed. Reg. 11842 (March 11, 1998). On November 14, 1995, May 9, 1996, June 14, 1996, February 1, 1997, and October 16, 1997, the State of Illinois submitted SIP revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet, McCook, and Granite City PM nonattainment areas. The Board adopted these regulations In the Matter of: Visible and Particulate Matter Emissions: Amendments to 35 Ill. Adm. Code 212 (May 16, 1996), R96-5, (20 Ill. Reg. 7605 (June 7, 1996)). USEPA approved the SIP revision request as it applies to the Granite City PM nonattainment area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal. USEPA indicated that no action is being taken on the submitted plan revisions for the Lake Calumet and McCook areas at this time. USEPA anticipates that these will be addressed in separate rulemakings.

On March 19, 1996, and October 15, 1996, Illinois also submitted requests to redesignate the Granite City PM nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS). USEPA approved this request, as well as the maintenance plan for the Granite City area, which was submitted with the redesignation request to ensure continued attainment of the NAAQS. ♦

*(Federal Actions Continued on p.7)*

---

## Inside This Issue

---

|                                |     |
|--------------------------------|-----|
| ♦ Appellate Update             | p11 |
| ♦ Board Actions                | p13 |
| ♦ New Cases                    | p24 |
| ♦ Calendar of Meetings         | p28 |
| ♦ IEPA Restricted Status Lists | p29 |

---

## **RULEMAKING UPDATE**

(Cont'd from p.1)

On September 4, 1997, the Board adopted these proposed amendments for first notice publication in the *Illinois Register* (21 Ill. Reg. 12823 (September 19, 1997)). On January 8, 1998, the Board adopted a second notice proposal for review by the Joint Committee on Administrative Rules (JCAR). On February 17, 1998, JCAR issued a certificate of no objection to this rulemaking.

The Board had adopted the "special rules" as portions of Sections 203.206, 203.207, and 203.301 in its rulemaking entitled In the Matter of: Amendments to New Source Review Rules, 35 Ill. Adm. Code 203 (April 22, 1993), R92-21. These rules were based on the IEPA's understanding of the United States Environmental Protection Agency's (USEPA) preliminary guidance on Sections 182(c)(7) and (8) of the Clean Air Act. This rule amends the Board's rules to be consistent with the United States Environmental Protection Agency's more recent interpretation of the "special rules" in its 1996 NSR rule proposal. 61 Fed. Reg. 38249 (July 23, 1996). The rules change the method of handling internal emission offsets, which may allow a source to "net-out" of NSR rule requirements or at least avoid imposition of some Best Available Control Technology and Lowest Achievable Emission Rate requirements. The rules may also impact some calculations under the proposed Emissions Reduction Market System (ERMS). See In the Matter of: Emissions Reduction Market System: 35 Ill. Adm. Code 205 (July 10, 1997), R97-13. The ERMS program is an element of Illinois' "Rate of Progress" plan required by Section 182(c)(2)(B) of the Clean Air Act.

This rule was filed pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act (Act). 415 ILCS 5/28.5 (1996). Pursuant to that section, the Board is required to proceed within set timeframes toward the adoption of the regulation. The Board has no discretion to adjust these timeframes under any circumstances. Pursuant to Section 28.5 of the Act (415 ILCS 5/28.5 (1996)), the Board held a hearing on Friday, October 17, 1997, at 10:00 a.m. in Room 9-040, James R. Thompson Center, 100 W. Randolph St., Chicago. No requests were made for the second and third hearings; consequently, those hearings were canceled by way of hearing officer order dated October 29, 1997.

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

## **Board Adopts First Notice Proposal 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**

In response to a March 13, 1998, proposal filed by the Illinois Environmental Protection Agency, the Board, on March 19, 1998, adopted a first notice proposal 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 CFR 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 proposed rules include provisions for implementing the EGs for the control of emissions from existing municipal landfills in Illinois. The proposal contains standards and control requirements that are intended to be equivalent to those included in the NSPS. The proposal requires 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 six major parts of the proposed rules are the applicability criteria, control requirements, compliance, operational standards, monitoring, reporting, recordkeeping, and amendments to exempt smaller landfills from state permitting requirements.

The Board held the first hearing on May 1, 1998 in Chicago. The second hearing was held on May 13, 1998 in Springfield. The third hearing is scheduled for May 21, 1998, at 1:30 p.m. in Room 9-031 of the James R. Thompson Center, 100 W. Randolph, Chicago. The third hearing may be canceled if unnecessary, as specified at

Section 28.5(g)(3) of the Act (415 ILCS 5/28.5(g)(3) (1998)).

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

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

On April 2, 1998, the Board adopted amendments to Parts 703, 720, 721, 724, 725, 728, and 733 as they relate to standards for universal waste management. This rulemaking was mandated on August 19, 1997, when Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act 90-502, eff. August 19, 1997 (amended 415 ILCS 5/22.23a (1996))). This legislation designated high-intensity discharge lamps and fluorescent lamps as a category of universal waste. The legislation further required that the Board complete the rulemaking on or before April 15, 1998, to integrate this designation into the Board's hazardous waste rules.

The rules amend Part 733 to designate mercury-containing lamps, which are currently classified as hazardous waste, as universal waste. The purpose of classifying the waste as universal waste is to reduce the amount of hazardous waste in the municipal solid waste stream, to encourage recycling and proper disposal of common hazardous wastes, and to reduce the regulatory burden on businesses that generate waste.

In Subpart A of Part 733, mercury-containing lamps were added to Section 733.101 in order for mercury-containing lamps to be managed as universal waste. New definitions of electric lamps and mercury-containing lamps were added to Section 733.106. In the same section, mercury-containing lamps were added to the definition of "large quantity handler of universal waste," "small quantity handler of universal waste," and "universal waste." A new section 733.107 was adopted regarding the applicability of the provisions. Specifically, the new provisions provide that used mercury-containing lamps become waste on the date that the handler permanently removes it from its fixture, and an unused mercury-containing lamp becomes waste on the date that the handler decides to discard it. The Board also adopted amendments allowing for the crushing of universal waste mercury-containing lamps for volume reduction under certain conditions. Finally, the amendments contain new sections requiring small quantity handlers of universal waste, large quantity handlers of universal waste, and transporters of universal waste to manage universal waste mercury-containing lamps in a manner that prevents release of any universal waste or component of a universal waste to the environment.

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

**Board Adopts First Notice Proposal In the Matter of Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740), R98-27**

On April 16, 1998, the Board adopted for first-notice publication in the *Illinois Register* amendments to 35 Ill. Adm. Code 740 implementing Public Act 90-123, which created an environmental remediation tax credit (tax credit). See Pub. Act 90-123 (1997), eff. July 21, 1997. The bill amended Section 201(l) of the Illinois Income Tax Act (35 ILCS 5/101 *et seq.* (1996)) and Section 58.14 of the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (1996)). Section 58.14 of the Act requires the Board to adopt tax credit rules for second notice within six months after the Board receives the IEPA's proposed rules, or by July 21, 1998.

The tax credit allows taxpayers under the Act to credit against their Illinois tax liability a portion of the costs that taxpayers have spent to clean up certain contaminated properties (or "brownfields"). The tax credit is intended to spur the cleanup and redevelopment of brownfields. A taxpayer who wishes to claim the tax credit must first submit to the Illinois Environmental Protection Agency (IEPA) an application for review of its cleanup (or "remediation") costs. The Board's first-notice proposal establishes the procedures and standards under which the IEPA will consider these applications.

The Board held three public hearings in this matter: the first, in Chicago, on February 24, 1998; the second, in Springfield, on February 27, 1998; and the third, also in Springfield, on March 17, 1998. The March 17, 1998, hearing was solely for the purpose of receiving comment on the Department of Commerce and Community Affairs' decision not to perform an economic impact study on the IEPA's proposed rules pursuant to Pub. Act 90-489, effective January 1, 1998.

The proposed rules will be published in the *Illinois Register*, which commences a 45-day public comment period. Public comments should be submitted to the Clerk of the Board and reference docket R98-27.

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 Second Notice Proposal In the Matter of Tiered Approach to Corrective Action Objectives: Amendments to 35 Ill. Adm. Code 742, R97-12(C)**

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. The Board opened this docket on December 4, 1997, as a result of a joint motion filed on December 3, 1997, on behalf of 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 mechanical changes that were identified after the adoption of Docket A in this rulemaking. The first notice opinion and order was published in the *Illinois Register* on December 26, 1997. 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 to conduct an economic impact study for a proposed rulemaking and the Board to conduct a hearing on the matter thereafter. No written comments were received during the first notice period.

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 Second Notice Proposal 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 April 16, 1998, the Board adopted for second notice review by the Joint Committee on Administrative Rules amendments to 35 Ill. Adm. Code 201 regarding general permitting provisions to allow for issuance of perpetual permits for certain sources. On November 20, 1997, the Board adopted these amendments for first notice publication in the *Illinois Register*. 21 Ill. Reg. 16023 (December 12, 1997).

On October 10, 1997, the Illinois Environmental Protection Agency (IEPA) filed this proposal to amend the Board's regulations concerning air permits. Specifi-

cally, 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 (Act) (415 ILCS 5/39.5 (1996)) or required to obtain a federally enforceable State operating permit.

The proposed rules are required by amendments to the Act 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.

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 Illinois Environmental Protection Agency testified at the aforementioned hearings regarding the proposed 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.

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

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

On April 16, 1998, the Board adopted for second notice review by the Joint Committee on Administrative Rules amendments to 35 Ill. Adm. Code 215. The proposal amends 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, adds language at Section 216.206(a) which exempts certain coaters, adds a new exemption for touch-up and repair coatings in Section 215.206(b), and deletes 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. 22 Ill. Reg. 3674 (February 21, 1998).

Hearings were held on December 18, 1997, and December 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 Board to hold a hearing regarding the economic impact of this rule. No public comments were received with regard to the economic impact of this rulemaking.

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 Proposal for Public Comment in Identical-in-Substance Rulemaking In the Matter of Exemptions from the Definition of Volatile Organic Material, USEPA Amendments (July 1, 1997, through April 9, 1998), R98-17**

On April 16, 1998, the Board adopted a proposal for public comment in this rulemaking to update the definition of volatile organic material (VOM) 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 April 16, 1998, opinion and order in docket R98-17. The Board expanded the scope of the docket to include the USEPA's very recent, 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 (APA) (5 ILCS 100/5-35, 5-40 (1996)) do not apply to this proceeding. Because it is not subject to Section 5 of the APA, 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.

One hearing on the merits of this proposal is scheduled for Wednesday, June 3, 1998, at 2:00 p.m. in Room 9-034 of the James R. Thompson Center. Public comments regarding this proposal will be accepted by the Clerk of the Board for a period of 45-days after publication of the proposal in the *Illinois Register*.

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

**Board Adopts Proposal for Public Comment in Identical-in-Substance Rulemaking In the Matter of Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997, through December 31, 1997), R98-23**

On April 16, 1998, the Board adopted a proposal for public comment in this rulemaking 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 (NPDES) permit of a publicly-owned treatment works (POTW). 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 APA, 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. Public comments on this proposal may be filed with the Clerk of the Board for a 45-day period after the proposal is published in the *Illinois Register*.

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

**Board Adopts Reasons for Delay Order in Identical-in-Substance Rulemaking In the Matter of RCRA Update, USEPA Regulations (July 1, 1996, through December 31, 1996), R97-21; UIC Update, USEPA Regulations (January 1, 1997, through June 30, 1997), R98-3; RCRA Update, USEPA Regulations (January 1, 1997, through June 30, 1997), R98-5**

On April 16, 1998, the Board adopted a reason for delay order in this identical-in-substance rulemaking. The amendments will implement the hazardous waste rules found in Subtitle C of the Resource Conservation and Recovery Act of 1976 (Subtitle C), 42 U.S.C. 6921-6925 (1996) and the underground injection control (UIC) regulations found in the Safe Drinking Water Act, 42 U.S.C. 300h (1996). The federal Subtitle C regulations are found at 40 C.F.R. 260 through 268, 270 through 271, and more recently, 273. The federal UIC regulations are found at 40 C.F.R. 144, 146, and 148. The reasons for delay were: 1) delay in adopting prior update dockets R96-10/R97-3/R97-5; 2) time spent on incorporating corrections of minor errors to the text of dockets R96-10/R97-3/R97-5 requested by the Joint Committee on Administrative Rules; 3) amendments adopted In the Matter of: Amendments to 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management) (April 2, 1998), R98-12, require the Board to amend various sections of this proceeding; 4) the anticipated size of this update appears to be nearly 500 pages; and 5) the Board must compare the text of the federal amendments on a line-by-line basis, which proves very time-consuming. The Board anticipates adoption of a proposal for public comment in June 1998.

Please direct any questions regarding this rulemaking to Michael McCambridge at 312/814-6914; e-mail address: mmccambr@pcb084r1.state.il.us. ♦

## **FEDERAL ACTIONS**

(Cont'd from p.1)

### **United States Environmental Protection Agency Approves Illinois State Implementation Plan for Controlling Volatile Organic Material for Synthetic Organic Chemical Manufacturing Industry Reactor Processes and Distillation Operations (Monsanto Chemical Company's Sauget Facility) in the Chicago and Metro-East St. Louis Areas**

On March 11, 1998, the United States Environmental Protection Agency (USEPA) approved an Illinois State Implementation Plan (SIP) for controlling volatile organic material (VOM) for synthetic organic chemical manufacturing industry reactor processes and distillation operations in the Chicago and Metro-East St. Louis Areas. 63 Fed. Reg. 11836 (March 11, 1998). VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" as defined by USEPA. VOM is an air pollutant which combines with nitrogen oxides in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This plan was submitted to meet the Clean Air Act requirements for states to adopt reasonably available control technology (RACT) rules for sources that are covered by Control Technique Guideline (CTG) documents. The rulemaking action only addresses compliance with the RACT requirements for one source, Monsanto Chemical Group's Sauget facility. USEPA approved the SIP revision request submitted by the State of Illinois as it applies to Monsanto Chemical Company's Sauget facility. ♦

### **United States Environmental Protection Agency Issues Final Report Regarding the Effect of Electric Utility Hazardous Air Pollutants**

On March 3, 1998, the United States Environmental Protection Agency (USEPA) issued a final report to Congress regarding the effect of electric utility hazardous air pollutants. 63 Fed. Reg. 10378 (March 3, 1998). The report was prepared by USEPA in response to Section 112(n)(1)(A) of the Clean Air Act as amended in 1990 (42 U.S.C. § 7401 (1990)), which required USEPA to submit to Congress the results of a study of emissions of hazardous air pollutants from electric utility steam generating units and on the hazards to public health reasonably anticipated to occur as a result of these emissions. Congress directed that the report describe alternative control strategies for hazardous air pollutant emissions which may warrant regulation. The final report was transmitted to Congress on February 24, 1998.

Copies of the final report will be available from Public Docket No. A-92-55 at: USEPA, Air and Radiation

Docket and Information Center, 401 M Street, S.W., Washington, D.C. 20460. ♦

### **United States Environmental Protection Agency Publishes Listing of Candidate Drinking Water Contaminants**

On March 2, 1998, the United States Environmental Protection Agency (USEPA) published the first required list of non-regulated drinking water contaminants that are candidates for future regulation. 63 Fed. Reg. 10274 (March 2, 1998). The listing includes 50 chemical and 10 microbiological contaminants. This listing is required under the 1996 amendments to the Safe Drinking Water Act (42 U.S.C. § 300f (1996)). The candidate contaminant list (CCL) is divided into categories: contaminants that are priorities for future research, contaminants for which further occurrence data are needed, and contaminants that are priority for development of additional regulations.

For further information, please contact the USEPA Safe Drinking Water Hotline: 800/426-4791 or call Evelyn Washington at 202/260-3029; e-mail address: washington.evelyn@epamail.gov. ♦

### **United States Environmental Protection Agency Announces Availability of Final Testing Manual Entitled "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S."**

On March 2, 1998, the United States Environmental Protection Agency (USEPA) announced the availability of the final testing manual entitled "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S." 63 Fed. Reg. 10218 (March 2, 1998). This document is commonly referred to as the Inland Testing Manual (ITM). The ITM was prepared by a USEPA/Corps of Engineers workgroup comprised of individuals from headquarters, field offices, and research laboratories of both agencies with scientific and/or programmatic expertise related to dredged material discharge activities.

A copy of the ITM can be attained by contacting Thomas Patin, U.S. Army Corps of Engineers, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180-6199. The ITM is also available on the Internet at the following addresses: <http://www.epa.gov/ost/> or at <http://www.wes.army.mil/el/dots/>. ♦

### **United States Environmental Protection Agency Receives Submissions for Alteration of State National Pollutant Discharge Elimination System Programs to Comply with Great Lakes Water Quality Guidance**

On March 2, 1998, the United States Environmental Protection Agency (USEPA) announced that it received for review and approval revisions to the National Pollutant Discharge Elimination System (NPDES)

programs in Indiana, Michigan, Wisconsin, and Ohio. 63 Fed. Reg. 10221 (March 2, 1998). Most of the proposed revisions were adopted to comply with Section 118(c) of the Clean Water Act (CWA) (33 U.S.C. § 1251 (1996)) and 40 CFR 132.4, although in some cases, states have also proposed revisions that are not related to those required by Section 118(c) of the CWA and 40 C.F.R. 132.4. The revisions to the NPDES programs were submitted in light of the requirements of the Final Water Quality Guidance for the Great Lakes System issued on March 23, 1995 (60 Fed. Reg. 15366 (March 23, 1995)). USEPA Region V is comprised of the listed four states, as well as Illinois and Minnesota.

On December 18, 1997, the Board adopted final regulations implementing the Final Water Quality Guidance in In the Matter of: Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101, 302.105, 302.Subpart E, 303.443, and 304.222, docketed by the Board as R97-25. The Great Lakes Initiative is a federally-required rule that has been proposed in accordance with Section 28.2 of the Environmental Protection Act (415 ILCS 5/28.2 (1996)). ♦

### **United States Environmental Protection Agency Bans the Manufacture of Halon Blends**

On March 5, 1998, the United States Environmental Protection Agency (USEPA) issued a direct final rule banning the manufacture of halon blends. 63 Fed. Reg. 11083 (March 5, 1998). The direct final rule became effective on April 6, 1998. The final rule also prohibits the intentional release of halons during training of technicians and during testing, repair, and disposal of halon-containing equipment. The final rule further requires appropriate training of technicians regarding emissions reduction and requires the proper disposal of halon and of halon-containing equipment. Release of halons to the environment contributes significantly to the depletion of the stratospheric ozone layer which, in turn, can lead to increased incidences of skin cancer and other ill effects. USEPA proposed these requirements in response to a lawsuit filed by the Sierra Club.

USEPA understands that the manufacturers of which have in recent years been engaged in the manufacture of halon blends will be minimally impacted by the ban. Furthermore, USEPA understands that entities using halons, driven in part by the economic value of halons, currently widely practice the kinds of precautions codified in this final rule. This rule will more fully extend those practices throughout the industry and will ensure their continued implementation in the event of changes in the halon market conditions. Thus, this rule will assure

continued significant environmental benefits, while placing only minimal burdens on industry. ♦

### **United States Environmental Protection Agency Implements Effect of National Low Emission Vehicle Program**

The United States Environmental Protection Agency (USEPA) announced that nine northeastern states and 23 manufacturers have opted into a voluntary clean car program set forth by USEPA in its National Low Emissions Vehicle (LEV) regulations. 63 Fed. Reg. 11373 (March 9, 1998). In accordance with the National LEV regulations, cleaner light-duty trucks will be produced and sold starting at the end of 1998. USEPA anticipates that the LEV program demonstrates how partnership efforts can produce a smarter, cheaper program that reduces regulatory burden while increasing protection of the environmental and public health. ♦

### **United States Environmental Protection Agency Issues Statement Regarding Environmental Management Systems and International Organization for Standardization (ISO) 14001**

On March 12, 1998, the United States Environmental Protection Agency (USEPA) gave notice of its position regarding the environmental management systems (EMS), including those based on International Organization for Standardization (ISO) 14001 standard. 63 Fed. Reg. 12094 (March 12, 1998). Organizations, associations, private corporations, and governments have been developing and implementing various EMS frameworks for the past 30 years. ISO and other entities finalized the ISO 14001 EMS standard in September 1996. The intent of this standard is to produce a single framework for EMS, which can accommodate varied applications all over the world. USEPA indicated that its participation in the development of EMS voluntary standards does not necessarily connote USEPA's agreement with, or endorsement of, such voluntary standards. USEPA's Office of Reinvention will assume lead responsibility for policy coordination of all EMS pilots, programs, and communications.

Implementation of an EMS has the potential to improve an organization's environmental performance and compliance with regulatory requirements. USEPA encourages the use of EMS that focus on improved environmental performance and compliance as well as pollution prevention and system performance. USEPA is working in partnership with a number of states to explore the utility of EMS. The following categories are designed to provide a general idea as to the type of information USEPA believes should be collected to evaluate the effectiveness of EMS from the perspective of regulators: (1) environmental performance; (2) compliance; (3)

pollution prevention; (4) environmental conditions; (5) costs/benefits to implementing facilities; and (6) stakeholder participation and confidence.

Comments should be addressed to the Office of Reinvention- EMS, United States Environmental Protection Agency, 401 M Street, SW, Mail Code 1803, Washington, DC 20460. ♦

## **United States Environmental Protection Agency Unveils Clean Water Action Plan in Response to State of the Union Address**

On March 24, 1998, the United States Environmental Protection Agency (USEPA) announced a Clean Water Action Plan (action plan). 63 Fed. Reg. 14109 (March 24, 1998). In his 1998 State of the Union Address, President Clinton announced a new clean water initiative to speed the restoration of the nation's rivers, lakes and coastal waters. This new initiative aims to achieve clean water by strengthening public health protection, targeting community-based watershed protection efforts at high priority areas, and providing communities with new resources to control polluted runoff. On October 18, 1997, Vice President Gore directed the United States Department of Agriculture (USDA) and the USEPA to work with other federal agencies and the public to prepare an aggressive action plan to meet the promise of clean, safe water for all Americans. The action plan builds on the solid foundation of existing clean water programs and proposes new actions to strengthen efforts to restore and protect water resources.

In implementing the action plan, USEPA will do the following: support locally led partnerships that include a broad array of watershed partners, including federal and state agencies, tribes and communities to meet clean water and public health goals; increase financial and technical assistance to states, tribes, local governments, farmers, and others; and help states and tribes restore and sustain the health of aquatic systems on a watershed basis. USEPA will utilize four tools to achieve clean water goals: a watershed approach; strong federal and state standards; natural resources stewardship; and informed citizens and officials.

Copies of the Clean Water Action Plan may be obtained from USEPA's National Center for Environmental Publication and Information, 1-800-490-9198 (toll free). ♦

## **Proposed Settlement Agreement Reached Between Eight Northeastern States and the United States Environmental Protection Agency Regarding Nitrogen Oxide Findings Under Section 126 of the Clean Air Act**

On March 5, 1998, the United States Environmental Protection Agency (USEPA) issued a notice of proposed settlement agreement in accordance with Section 113(g) of the Clean Air Act, as amended, (42 U.S.C. 7413(g)

(1990)) concerning litigation by eight northeastern states (petitioners) against USEPA. 63 Fed. Reg. 10874 (March 5, 1998). The lawsuit concerns USEPA's alleged failure to perform a non-discretionary duty with respect to promulgating action on petitions submitted by petitioners under Clean Air Act Section 126. A Section 126 petition requires USEPA to make findings that electric utilities and other stationary sources of oxides of nitrogen (NO<sub>x</sub>) emissions in states upwind of petitioners contribute significantly to nonattainment. The proposed settlement establishes a schedule by which USEPA will take action on the Section 126 petitions. ♦

## **Office of Surface Mining Reclamation and Enforcement Approves Proposed Amendment to the Illinois Regulatory Program Under Surface Mining Control and Reclamation Act**

By letter dated August 5, 1997, the Illinois Department of Natural Resources, Office of Mines and Minerals, requested the Office of Surface Mining Reclamation and Enforcement (OSM) to reconsider two regulations that were previously proposed amending the Illinois regulatory program under the Surface Mining Control and Reclamation Act. 63 Fed. Reg. 17094 (April 8, 1998). The regulations concern the determination of revegetation success for non-contiguous surface disturbance areas less than or equal to four acres. The additional explanatory information is intended to clarify the regulations by providing an interpretation statement and specifying procedures and evaluation criteria that would be used in the implementation of the regulations.

For further information contact: Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204-1521. ♦

## **Revision to Definition of Volatile Organic Material-Exclusion of Methyl Acetate**

The United States Environmental Protection Agency (USEPA) revised the definition of volatile organic materials (VOM) for the purposes of preparing state implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under Title I of the Clean Air Act and for any Federal implementation plan (FIP) for an ozone nonattainment area. 63 Fed. Reg. 17331 (April 9, 1998). The revision adds methyl acetate to the list of compounds excluded from the definition of VOM on the basis that this compound has negligible contribution to tropospheric ozone formation. Entities potentially affected by this action are those which use and emit VOM and states which have programs to control VOM emissions, including Illinois.

For further information contact: William Johnson, Office of Air Quality Planning and Standards, Air Quality



Strategies and Standards Division (MD-15), Research Triangle Park, NC 27711.

The Board has included this recent amendment in the proposal for public comment recently adopted in docket R98-17. See Exemptions From the Definition of VOM, USEPA Amendments (July 1, 1997, through April 9, 1998) April 16, 1998, R98-17. Hearing has been scheduled for Wednesday, June 3, 1998, at 2:00 p.m. in room 9-034 of the James R. Thompson Center, 100 W. Randolph St., Chicago. ♦

### **A** Amendments to Financial Assurance Mechanisms for Corporate Owners and Operators of Municipal Solid Waste Landfill Facilities

United States Environmental Protection Agency (USEPA) has amended the financial assurance regulations under the Resource Conservation and Recovery Act (RCRA) for owners and operators of municipal solid waste landfills. 63 Fed. Reg. 17706 (April 10, 1998). The rule increases the flexibility available to owners and operators by adding two mechanisms to those currently available: a financial test for use by private owners and operators, and a corporate guarantee that allows companies to guarantee the costs for another owner or operator. The rule provides regulatory relief by establishing additional, less costly mechanisms for owners and operators to comply with existing financial assurance requirements.

Materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. Docket Identification Number is F-98FRMF-FFFFF.

The Board anticipates it will adopt these regulations in an identical-in-substance RCRA D Update rulemaking. ♦

### **U**SEPA Announces Interim Version of Health Risks From Low-Level Environmental Exposure to Radionuclides-Federal Guidance Report No. 13-Part 1.

The United States Environmental Protection Agency (USEPA) announced the availability of the report, Health Risks from Low-Level Environmental Exposure to Radionuclides-Federal Guidance Report No. 13-Part 1. 63 Fed. Reg. 18008 (April 13, 1998). The report is in interim form to provide government agencies and other interested parties the opportunity to become familiar with its methodology and to solicit comments before publishing it in a final version. The report is intended to promote consistency in the assessment of risks to health from radiation and to ensure assessments are made upon up to date scientific information. The report provides, for the first time, comprehensive tabulations of cancer risk coefficients that use state-of-the-art models for estimation of cancer risks from external and internal exposure.

USEPA plans to publish a final version of Federal Guidance Report No. 13-Part 1 in the fall of 1998.

Written comments must be received on or before June 30, 1998. Written comments must be submitted electronically (comments.fgr13@epa.gov) or in duplicate to: Central Docket Section (6102), United States Environmental Protection Agency, ATTN: Air Docket No. A-98-11, Washington, D.C. 20460. ♦

### **F**inal Rule Promotes Participation in Title IV Acid Rain Opt-In Program Under Title IV of the Clean Air Act

In accordance with Title IV of the Clean Air Act (1990), the United States Environmental Protection Agency (USEPA) has established the Acid Rain Program. 63 Fed. Reg. 18837 (April 16, 1998). The Acid Rain program is intended to significantly reduce emissions of sulfur dioxide and nitrogen oxides from electric generating plants to reduce the adverse health and ecological impacts of acidic deposition resulting from such emissions. This final rule will promote participation in the Title IV opt-in program by: 1) clarifying existing regulations; 2) allowing a limited exception from the general rule of one designated representative for all affected units at a source; 3) revising the conditions under which USEPA may cancel current-year allowance allocations; and 4) allowing thermal energy plants to be effective on a quarterly basis. To determine whether a facility is affected by this action, USEPA advises facilities to examine the applicability criteria in Section 74.2 of Title 40 of the Code of Federal Regulations (40 C.F.R. § 74.2) and the revised Sections 72.6, 72.7, 72.8 and 72.14 (40 C.F.R. § 72.6, 72.7, 72.8, 72.14). See also 62 Fed. Reg. 55460, 55476-80 (October 24, 1997).

Any questions regarding the applicability of this action to a particular entity may be directed to Kathy Barylski at (202) 564-9074, Acid Rain Division 96204J, USEPA, 401 M Street, SW, Washington, D.C. 20460.

The Board anticipates adoption of these regulations by way of a fast track air rulemaking pursuant to Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)). ♦

### **F**inal Rule: Emission Standards for Locomotives and Locomotive Engines

The United States Environmental Protection Agency (USEPA) promulgated emission standards and related regulatory requirements for the control of emissions from locomotives and locomotive engines as required by the Clean Air Act Section 213 (a)(5). 63 Fed. Reg. 18977 (April 16, 1998). The primary focus of this rule is the reduction of nitrogen oxide (NOx). USEPA expects that the standards will take effect in 2000 and will ultimately result in a more than 60 percent reduction in NOx from

locomotives. The rule includes standards for emissions of hydrocarbons (HC), carbon monoxide (CO), particulate matter (PM), and smoke. USEPA also adopted an emissions averaging program and a banking and trading program to improve feasibility and provide flexibility in achieving compliance with the proposed standards. The regulations preempt certain state and local requirements relating to the control of emission from new locomotive and new locomotive engines, pursuant to Clean Air Act Section 209(e). ♦

### **United States Environmental Protection Agency Revises State Primacy Requirements to Implement State Drinking Water Act Amendments**

On April 28, 1998, the United States Environmental Protection Agency (USEPA) adopted requirements for states to obtain and retain primary enforcement authority for the Public Water System Supervision (PWSS) program under Section 1413 of the Safe Drinking Water Act (SDWA), as amended by the 1996 amendments (42 U.S.C. 300f *et seq.*). 63 Fed. Reg. 23362 (April 28, 1998). The revisions add a new administrative penalty authority requirement that states must meet in order to obtain or retain primacy and change the timing for a state to adopt new or revised drinking water regulations. Additionally, the amendments change a state's primacy status while awaiting a final determination on its primacy application. The rule's language also provides examples of circumstances that require an emergency plan for the provision of safe drinking water. Finally, USEPA states that the amendments expand the definition of public water system.

The Board anticipates adoption of these amendments in an identical-in-substance rulemaking in the near future. ♦

### **United States Environmental Protection Agency Issues Notice of Proposed Revisions to Approved Programs to Administer the National Pollution Discharge Elimination System Permitting Program in Illinois, Resulting in Part from the Adoption of the Water Quality Guidance For the Great Lakes System**

On April 28, 1998, the United States Environmental Protection Agency (USEPA) provided notice that it has received for review and approval revisions to the National Pollutant Discharge Elimination System (NPDES) programs in Illinois. 63 Fed. Reg. 23285 (April 28, 1998). Most of the proposed revisions were adopted to comply with Section 118(c) of the Clean Water Act (33 U.S.C. 1251 *et seq.* (1996)) and 40 C.F.R. 132.4. USEPA invites public comment on whether it should approve these revisions pursuant to 40 C.F.R. 123.62 and 132.5. Comments must be received in writing by May 28, 1998, and should be sent to Jo Lynn Traub, Director, Water Division, Attention: GLI Implementation Procedures, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. ♦

### **United States Environmental Protection Agency Adopts Amendments to Remove Phase-Out of Mixing Zones for Bioaccumulative Chemicals of Concern for the Final Water Quality Guidance for the Great Lakes System**

On April 23, 1998, the United States Environmental Protection Agency (USEPA) amended the final Water Quality Guidance for the Great Lakes System (Guidance) (40 CFR 132) by removing the provisions to eliminate and phase-out mixing zones for bioaccumulative chemicals of concern (BCCs). 63 Fed. Reg. 20107 (April 23, 1998). USEPA also amended the Guidance by revising Procedure 8.D of Appendix F to remove language in the Pollutant Minimization Program provision that might imply authorization for imposing water quality-based effluents (WQBELs) on internal waste streams or for requiring specific control measures to meet WQBELs. USEPA states that both amendments were adopted as a result of the decision in American Iron and Steel Institute, et al. v. USEPA, 115 F. 3d 979 (D.C. Cir. 1997). The amendments became effective April 23, 1998. ♦

## **United States Environmental Protection Agency Proposes Delay of Implementation Date of Clean Fuel Fleet Program**

On April 23, 1998, the United States Environmental Protection Agency (USEPA) proposed to delay the implementation of the date one year, until 1999, in which fleet operators must include certain percentages of clean fuel vehicles in their fleet for purposes of compliance with the Clean Fuel Fleet Program. 63 Fed. Reg. 20159 (April 23, 1998).

Subpart C of Title II of the Clean Air Act requires states within certain ozone and carbon monoxide nonattainment areas to revise their State Implementation Plans to incorporate a Clean Fuel Fleet Program. Under this program, specific percentages of new vehicles acquired by covered fleet operators must

meet USEPA's clean fuel vehicle emissions standards. This proposal is intended to ensure successful implementation of the Clean Fuel Fleet Program and to ensure that an adequate supply of appropriate vehicles is available for fleet operators to purchase and use once the program is under way, so that compliance with the mandatory purchase requirements will be possible and economically feasible for covered fleet operators.

Written comments on this proposal may be received no later than May 26, 1998, and should be directed to: Public Docket No. A-97-53, Sally Newstead, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105 and to Public Docket No. A-97-53, Room M-1500 (6102), Waterside Mall, S.W., Washington, D.C. 20460. ♦

## **APPELLATE UPDATE**

**The Illinois Appellate Court, First District, affirmed the Illinois Pollution Control Board's Decision Upholding Illinois Environmental Protection Agency Denial of Air Permit in John C. Justice d/b/a Microcosm.**

### **John C. Justice d/b/a Microcosm v. The Pollution Control Board and the Illinois Environmental Protection Agency, No. 1-96-1491 (1998) (unpublished order under Illinois Supreme Court Rule 23).**

**J**ohn C. Justice d/b/a Microcosm (Justice), appealed a decision of the Illinois Environmental Protection Agency (IEPA) denying him an air operating permit to the Board. The Board affirmed the IEPA's denial. On Justice's appeal of the Board decision, the First District Appellate Court affirmed the denial in a Rule 23 order issued January 28, 1998.

In order to comply with a consent order he entered into with the Illinois Attorney General and the IEPA, Justice submitted, in September 1994, an air permit application to the IEPA. The application pertained to Justice's operation of his lamination and coating business. In October 1994 the IEPA issued Justice a Notice of Incompleteness Letter, which requested additional information. Some additional information was provided by Justice. However, in February 1995 the IEPA denied Justice's air permit because he had not demonstrated that the applicable portions of the Environmental Protection Act (Act) and Board regulations would not be violated. In March 1995 Justice filed his appeal with the Board.

The Board affirmed the IEPA's denial, stating that, "[a]s a result of the lack of information submitted by Mr. Justice, the Agency was unable to determine whether or not the Microcosm facility complied with the Act and Board regulations." In this appeal, the appellate court agreed that the Board and the IEPA were correct.

Before addressing the merits of the case, the appellate court had to consider the arguments of the Board and the IEPA that the court lacked jurisdiction. This was the second time the jurisdictional issue was considered by the court. On a motion to dismiss the petition, the Board and the IEPA alleged that the court lacked jurisdiction due to Justice's failing to timely name the Board as a respondent in his initial petition for review with the court. The court initially granted the dismissal. However, on motion to reconsider by Justice, the court reversed itself and granted Justice 21 days to properly name and serve the Board, which he did. In their arguments on the merits of the appeal, the IEPA and the Board argue that the reconsideration was erroneous and that the appeal should be dismissed.

The court's analysis centered on the Administrative Review Law, which governs the direct review of administrative orders by the appellate court. The Administrative Review Law requires that the "agency and all other parties of record" be named as respondents on appeal. Additionally, if the appellate court determines that a party of record to the administrative proceeding was not named as a "defendant" then the appellate court must allow "the plaintiff" an opportunity to serve the unnamed party, so long as the party was not named by the administrative agency as a party of record in its final order. The court found that since the Board is a "party of record" before the appellate court, and since the Board did not name itself as a party of record in the Board's final order, it was appropriate to allow Justice an additional 21 days in which to name and serve the Board.

Having found that it did have jurisdiction over the appeal, the appellate court analyzed the substantive issues raised by Justice in his appeal. In affirming the denial of the air operating permit, the appellate court pointed out that when a permit applicant appeals a permit denial to the Board, the applicant has the burden of proof before the Board. Additionally, the court recognized that the Board's decision cannot be reversed unless it is against the manifest weight of the evidence.

The court found that Justice failed to satisfy his burden of proof in a number of ways. First, he failed to show that the subject system was a permanent total enclosure, a fact which would entitle it to a presumption of 100% capture efficiency. Second, he failed to satisfy his burden regarding the use of the generator. The court reasoned that if the system was a permanent total enclosure, as Justice claimed, then the generator must be a pollution control device, for which Justice must present evidence regarding its destruction efficiency. Justice, however, denied that it was a control device and offered no evidence regarding destruction efficiency. Because of the seemingly contradictory arguments advanced by Justice, the court concluded that he had not satisfied his burden of proof regarding his claim that the generator be exempt from permit requirements.

The court also found Justice's other arguments, regarding the alleged overreaching of the IEPA and the IEPA's allegedly improper determination, equally unconvincing. Based on the foregoing, the appellate court concluded that Justice had failed to satisfy his burden of proof and that the Board decision affirming the denial of the air operating permit was not against the manifest weight of the evidence. ♦

# BOARD ACTIONS 3/5/98

## RULEMAKINGS

|               |  |     |
|---------------|--|-----|
| <b>R98-10</b> | <u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules) 35 Ill. Adm. Code 203 - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the air pollution control regulations.</u> | 6-0 |
|---------------|--|-----|

## ADJUDICATORY CASES

### Decisions

|                  |  |                               |
|------------------|--|-------------------------------|
| <b>PCB 96-97</b> | <u>People of the State of Illinois v. The Village of Thompsonville</u> - The Board granted the joint motion requesting relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this water enforcement action involving a Franklin County facility, ordered respondent to pay a civil penalty of \$1,000, and to cease and desist from further violations. | 5-0<br>Hennessey<br>abstained |
|------------------|--|-------------------------------|

|                 |  |     |
|-----------------|--|-----|
| <b>PCB 97-8</b> | <u>People of the State of Illinois v. Cyber America Corporation, f/k/a Canton Industrial Corporation</u> - The Board found complainant is entitled to recover costs for monies expended by the Illinois Environmental Protection Agency in removing used and waste tires from the facility owned and operated by respondent. Respondent was ordered to pay \$326,153.74 in corrective action costs, and the \$10,000, plus accrued interest, previously paid by respondent into the Used Tire Management Fund shall be applied toward the total monetary judgment. Punitive damages and attorney fees were denied. | 6-0 |
|-----------------|--|-----|

|                   |  |     |
|-------------------|--|-----|
| <b>PCB 97-229</b> | <u>People of the State of Illinois v. Autorad, Inc.</u> - The Board granted the joint motion requesting relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$8,700, and to cease and desist from further violations. | 6-0 |
|-------------------|--|-----|

|                  |  |                           |
|------------------|--|---------------------------|
| <b>PCB 98-60</b> | <u>CDT Landfill Corporation v. City of Joliet</u> - The Board affirmed Joliet's October 7, 1997, decision denying siting approval to respondent, CDT Landfill Corporation. | 5-1<br>Meyer<br>dissented |
|------------------|--|---------------------------|

|                  |  |     |
|------------------|--|-----|
| <b>PCB 98-94</b> | <u>People of the State of Illinois v. Material Service Corporation</u> - The Board granted the joint motion requesting relief from the requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Vermilion County facility, ordered respondent to pay a civil penalty of \$8,500, and to cease and desist from further violations. | 6-0 |
|------------------|--|-----|

## Motions and Other Matters

|                   |   |     |
|-------------------|---|-----|
| <b>PCB 94-329</b> | <u>Billy and Martin Turner v. Donald Jordon, d/b/a Donald Jordon Trucking Service</u> - The Board granted petitioner's motion for withdrawal of this noise enforcement action involving a Pulaski County facility.  | 6-0 |
| <b>PCB 96-21</b>  | <u>People of the State of Illinois v. Diamond Plating 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 Madison County facility, the Board ordered publication of the required newspaper notice.       | 6-0 |
| <b>PCB 96-148</b> | <u>People of the State of Illinois v. U.S. Dismantlement Corporation</u> - The Board granted complainant's motion for withdrawal of this noise enforcement action involving a Cook County facility.   | 6-0 |
| <b>PCB 96-207</b> | <u>People of the State of Illinois v. Piece Work Specialists, 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 Tazewell County facility, the Board ordered publication of the required newspaper notice. | 6-0 |
| <b>PCB 97-62</b>  | <u>People of the State of Illinois v. Geon Company</u> - The Board granted complainant's motion to withdraw the second amended complaint and motion for leave to file a second amended complaint.   | 6-0 |
| <b>PCB 97-81</b>  | <u>Equistar, Inc. (f/k/a Millennium Petrochemicals, Inc.) v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this air permit appeal involving a Douglas County facility.   | 6-0 |
| <b>PCB 97-121</b> | <u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - The Board granted respondent's motion to strike.  | 6-0 |
| <b>PCB 98-43</b>  | <u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental</u> - The Board denied petitioner's motion to reconsider it's January 8, 1998, order.   | 6-0 |
| <b>PCB 98-59</b>  | <u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board denied petitioner's motion to reconsider it's January 8, 1998, order.  | 6-0 |
| <b>PCB 98-71</b>  | <u>Brickyard Disposal &amp; Recycling, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Vermilion County facility.   | 6-0 |

|                   |  |                               |
|-------------------|--|-------------------------------|
| <b>PCB 98-78</b>  | <u>Champion Gas &amp; Oil 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 Sangamon County facility.                                     | 6-0                           |
| <b>PCB 98-79</b>  | <u>Lincoln Correctional Center 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 Logan County facility.                                   | 6-0                           |
| <b>PCB 98-104</b> | <u>Village of Addison v. City of Wood Dale</u> - <b>The Board found this matter duplicitous, dismissed the complaint, and closed the docket.</b>   | 5-0<br>Hennessey<br>abstained |
| <b>PCB 98-108</b> | <u>City of Freeport v. IEPA</u> - The Board accepted for hearing this land permit appeal involving a Stephenson County facility.   | 6-0                           |
| <b>PCB 98-109</b> | <u>Brandt Truck Line, Inc. v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a McLean County facility.  | 6-0                           |
| <b>PCB 98-110</b> | <u>Phillips 66 Company v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Will County facility.  | 6-0                           |
| <b>PCB 98-111</b> | <u>County of Boone and the City of Belvidere v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file a land permit appeal on behalf of a Boone County facility.   | 6-0                           |
| <b>PCB 98-113</b> | <u>Clayton Chemical Acquisition Limited Liability Company, d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> - The Board granted petitioner's motion for admission <i>pro hac vice</i> and accepted for hearing this land permit appeal involving a St. Clair County facility. | 6-0                           |

---

## **BOARD ACTIONS 3/19/98**

### **RULEMAKINGS**

|               |   |     |
|---------------|---|-----|
| <b>R98-28</b> | <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> - The Board accepted for hearing, and adopted a first notice opinion and order concerning the Illinois Environmental Protection Agency's proposal to amend the Board's air pollution control regulations. | 7-0 |
|---------------|---|-----|

## ADJUSTED STANDARDS

---

AS 97-2      In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c) - The Board entered an order denying petitioner's request for an adjusted standard in this action.      7-0

## ADJUDICATORY CASES

---

### Decisions

### Provisional Variances

PCB 98-117      Woodward Governor Company v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a three day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.      7-0

PCB 98-119      City of Mattoon v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Coles County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in its NPDES Permit No. IL0029831 and 35 Ill. Adm. Code 304.120(c) and 304.141(a).      6-0  
Hennessey  
abstained

### Motions and Other Matters

PCB 96-84      Forest Preserve District of DuPage County, Illinois v. Mineral Land Resources Corporation, Southwind Financial, Ltd., f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc. - On reconsideration, the Board affirmed its Ruling of December 18, 1997.      6-0  
Hennessey  
abstained

PCB 96-107      People of the State of Illinois v. ESG Watts, Inc. - The Board granted respondent's motion to reset order of pending motions and denied the motion to vacate, the motion for stay, and the motion to strike.      6-0  
Hennessey  
abstained

PCB 97-62      People of the State of Illinois v. Geon Company - The Board granted the agreed motion for stay.      7-0

PCB 97-188      People of the State of Illinois v. Dan Loepker - The Board granted complainant's motion for withdrawal of this water enforcement action involving a Clinton County facility.      6-0  
Hennessey  
abstained

PCB 97-207      People of the State of Illinois v. Inspiration Development Company - The Board denied respondent's motion to dismiss.      7-0

PCB 97-222      Amoco Chemical Company v. IEPA - The Board granted petitioner's motion for withdrawal of this NPDES permit appeal involving a Will County facility.      6-0  
Hennessey  
abstained



|                          |  |                               |
|--------------------------|--|-------------------------------|
| PCB 98-37                | <u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - The Board granted complainant's motion to strike an affidavit and denied respondent's motion to dismiss.   | 7-0                           |
| PCB 98-43                | <u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental</u> - The Board denied petitioners' motion for reconsideration as moot because the motions for reconsideration had already been decided at the March 5, 1998 Board meeting.  | 7-0                           |
| PCB 98-72                | <u>St. Clair Properties Development, Inc. v. IEPA</u> - The Board denied respondent's motion to dismiss.   | 6-0<br>Hennessey<br>abstained |
| PCB 98-84                | <u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - The Board granted complainant's motion for leave to file an amended complaint.   | 7-0                           |
| PCB 98-107<br>PCB 96-240 | <u>Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc., and People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited, and Carolina Freight Carriers Corporation</u> - The Board found PCB 98-107 neither duplicitous or frivolous, and on its own motion consolidated this matter with PCB 96-240 for hearing. | 7-0                           |
| PCB 98-115               | <u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Boone County facility.   | 7-0                           |
| PCB 98-116               | <u>L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Effingham County facility.  | 7-0                           |

## **BOARD ACTIONS 4/2/98**

### **RULEMAKINGS**

|        |  |     |
|--------|--|-----|
| R98-12 | <u>In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards of Universal Waste Management)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the universal waste management rules. <b>These amendments designate mercury-containing lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.</b> | 6-0 |
|--------|--|-----|

## ADJUDICATORY CASES

---

### Decisions

|            |   |                            |
|------------|---|----------------------------|
| PCB 96-21  | <u>People of the State of Illinois v. Diamond Plating Company</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Madison County facility, ordered respondent to pay a civil penalty of \$12,000, and to cease and desist from further violations.                               | 6-0                        |
| PCB 97-199 | <u>Tri Star Marketing, Inc. v. IEPA</u> - The Board granted this Ogle County facility, pursuant to Section 14.2(c) of the Environmental Protection Act (415 ILCS 5/14.2(c) (1996)), an exception from the prohibition of siting a new potential source within the setback zone of a community water supply well, subject to conditions. | 6-0<br>Hennessey concurred |

### Provisional Variances

|            |  |                            |
|------------|--|----------------------------|
| PCB 98-126 | <u>City of Kewanee v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Condition No. 12 of its NPDES Permit No. IL0029343 and in 35 Ill. Adm. Code 305.102(b) and 304.141. | 5-0<br>Hennessey abstained |
|------------|--|----------------------------|

### Motions and Other Matters

|            |  |                            |
|------------|--|----------------------------|
| PCB 96-20  | <u>Barbara M. Norman, Laddie Kartes, Edward Wesolowski, Jacqueline Wesolowski, Will Burgess, Dorothy Burgess, Frank Rubino, Donna Rubino, Toby Gruszecki, and Mike Gruszecki v. U.S. Postal Service, Barrington, Illinois</u> - The Board granted Barbara Norman and Laddie Kartes' motion to withdraw as parties in this citizens noise enforcement action. | 6-0                        |
| PCB 96-64  | <u>City of Auburn, Illinois v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Sangamon County facility  | 6-0                        |
| PCB 96-193 | <u>W.R. Grace &amp; Company - Connecticut v. IEPA</u> - The Board granted the joint motion to modify its August 7, 1997 order.   | 6-0                        |
| PCB 97-52  | <u>People of the State of Illinois v. Mutual Asbestos Control Contractors, 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 97-192 | <u>People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon</u> - The Board granted complainant's motion to amend the complaint.   | 5-0<br>Hennessey abstained |

|            |   |     |
|------------|---|-----|
| PCB 98-84  | <u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - The Board granted complainants' motion for leave to file its first amended complaint.   | 6-0 |
| PCB 98-97  | <u>Material Service Corporation v. J.W. Peters &amp; Sons, Inc.</u> - The Board granted respondents' requests for appearance, and complainant's request for leave to file response. The Board found respondents' motion to request administrative correction moot, and denied the motion. Respondents' motion to dismiss was granted. | 6-0 |
| PCB 98-112 | <u>Ronald R. &amp; Melody L. Kanaverskis v. M.A. Ghalayini</u> - <b>The Board found this matter neither duplicitous nor frivolous and</b> accepted for hearing this citizens' noise enforcement action.   | 6-0 |
| PCB 98-118 | <u>Jack Donelson Sales Company v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.   | 6-0 |
| PCB 98-120 | <u>Autotime, Bob Macas, Inc. v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 6-0 |
| PCB 98-121 | <u>John Deere Harvester Works v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Rock Island County facility.   | 6-0 |
| PCB 98-124 | <u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 6-0 |
| PCB 98-125 | <u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 6-0 |

---

# **BOARD ACTIONS 4/16/98**

## **RULEMAKINGS**

---

- R97-12(C)**      In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900 - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's regulations concerning standards for Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742). 7-0
- R97-21**      In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1996 through December 31, 1996); In the Matter of: UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997) In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - The Board set forth reasons for delay in proposing and adopting the identical-in-substance amendments involved in this consolidated docket. 7-0
- R98-3**
- R98-5**
- R98-13**      In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendments to 35 Ill. Adm. Code 201 - 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
- R98-15**      In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-Attainment Areas) - 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
- R98-17**      In the Matter of: Exemptions From the Definition of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998) - Proposed Rule, Proposal for Public Comment, Opinion and Order. The Board adopted an opinion and order requesting public comments in this proposed identical-in-substance rulemaking to amend the Board's air pollution control regulations. 7-0
- R98-23**      In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997 through December 31, 1997) - Proposed Rule, Proposal for Public Comment, Opinion and Order. The Board adopted an opinion and order requesting public comments in this proposed identical-in-substance rulemaking to amend the Board's water pollution control regulations. 6-0  
Hennessey  
abstained
- R98-27**      In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in this proposed rulemaking to amend the Board's waste disposal regulations. 7-0

**ADMINISTRATIVE CITATIONS**

|                 |  |     |
|-----------------|--|-----|
| <b>AC 98-16</b> | <u>County of Jackson v. James Qualls</u> - The Board entered an order finding that this Jackson County respondent violated Sections 21(p)(1), (p)(2) and (p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(2), (p)(5) (1996)) and ordered the respondent to pay a civil penalty of \$1,500.         | 7-0 |
| <b>AC 98-17</b> | <u>IEPA v. John Provenzano, d/b/a Blackstone Auto Salvage</u> - The Board entered an order finding that this Livingston County respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)) and ordered the respondent to pay a civil penalty of \$1,000. | 7-0 |
| <b>AC 98-18</b> | <u>IEPA v. Michael Howell</u> - The Board entered an order finding that this Williamson County respondent violated Sections 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered the respondent to pay a civil penalty of \$500.  | 7-0 |

**Provisional Variances**

|                   |  |  |
|-------------------|--|--|
| <b>PCB 98-141</b> | <u>Commonwealth Edison Company (Zion Power Station) v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in 35 Ill. Adm. Code 304.141(b) and 309.102. | 5-0<br>Hennessey abstained;<br>Meyer voted present |
|-------------------|--|--|

**ADJUDICATORY CASES**

**Decisions**

|                   |   |                        |
|-------------------|---|------------------------|
| <b>PCB 96-68</b>  | <u>Donetta Gott, Lyndell Chapin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u> The Board entered an order in this citizens' air enforcement action involving a Pike County facility, finding the respondent in violation of Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (1996)) and 35 Ill. Adm. Code 501.402(c)(3), ordering the payment of a civil penalty of \$2,500, and ordering the respondent to cease and desist from further violations. | 6-0<br>Fleml dissented |
| <b>PCB 96-207</b> | <u>People of the State of Illinois v. Piece Work Specialist, Inc.</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this RCRA enforcement action involving a Tazewell County facility, ordered respondent to pay a civil penalty of \$12,000, and to cease and desist from further violations.   | 7-0                    |

## Motions and Other Matters

|                   |  |  |
|-------------------|--|--|
| <b>PCB 93-234</b> | <u>K &amp; H Disposal, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this permit appeal involving an Iroquois County facility.  | 7-0  |
| <b>PCB 96-233</b> | <u>People of the State of Illinois v. ESG Watts, Inc.</u> - The Board entered an order granting \$14,760 in attorney fees to complainant, finding respondent in violation of its March 6, 1997, order, and assessing a penalty in the amount of \$3,587.   | 4-3<br>Flemal, Girard,<br>and Manning<br>dissented |
| <b>PCB 97-116</b> | <u>People of the State of Illinois v. Dixon-Marquette Cement, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Lee County facility, the Board ordered publication of the required newspaper notice.                 | 6-0<br>Hennessey<br>abstained                      |
| <b>PCB 97-120</b> | <u>Ingleside Citgo Service, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Lake County facility.  | 7-0  |
| <b>PCB 98-36</b>  | <u>OK Service Center v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility.  | 7-0  |
| <b>PCB 98-101</b> | <u>Franklin C.U.S.D. #1 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 Morgan County facility.   | 7-0  |
| <b>PCB 98-103</b> | <u>Stepan Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Cook County facility.   | 7-0  |
| <b>PCB 98-104</b> | <u>Village of Addison v. City of Wood Dale</u> -The Board entered an order denying the complainant's motion to reconsider its March 5, 1998, order.  | 6-0<br>Hennessey<br>abstained                      |
| <b>PCB 98-105</b> | <u>Richardson Electronics, LTD. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Kane County facility.   | 7-0  |
| <b>PCB 98-127</b> | <u>People of the State of Illinois v. Horsehead Resource Development Company, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Lee County facility, the Board ordered publication of the required newspaper notice. | 7-0  |

|                   |  |                               |
|-------------------|--|-------------------------------|
| <b>PCB 98-128</b> | <u>SSCI Joint Venture and the Coca Cola Company v IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.  | 7-0                           |
| <b>PCB 98-129</b> | <u>People of the State of Illinois v. Heartland Pork Enterprises, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Edgar County facility, the Board ordered publication of the required newspaper notice. | 6-0<br>Hennessey<br>abstained |
| <b>PCB 98-130</b> | <u>Glister-Mary Lee Corporation v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Randolph County facility.   | 7-0                           |
| <b>PCB 98-131</b> | <u>Glister-Mary Lee Corporation v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Randolph County facility.   | 7-0                           |
| <b>PCB 98-132</b> | <u>Illinois State Toll Highway Authority v.IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 7-0                           |
| <b>PCB 98-133</b> | <u>Illinois State Toll Highway Authority v.IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 7-0                           |
| <b>PCB 98-134</b> | <u>Illinois State Toll Highway Authority v.IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.   | 7-0                           |
| <b>PCB 98-135</b> | <u>Illinois State Toll Highway Authority 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 Lake County facility.  | 7-0                           |
| <b>PCB 98-136</b> | <u>Illinois State Toll Highway Authority 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 Lake County facility.  | 7-0                           |
| <b>PCB 98-137</b> | <u>Illinois State Toll Highway Authority 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 Cook County facility.  | 7-0                           |

|                   |   |     |
|-------------------|---|-----|
| <b>PCB 98-138</b> | <u>Illinois State Toll Highway Authority 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 Cook County facility.                | 7-0 |
| <b>PCB 98-139</b> | <u>Illinois State Toll Highway Authority 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 Cook County facility.                | 7-0 |
| <b>PCB 98-140</b> | <u>Rock Valley Oil &amp; Chemical Company, Inc. v. Office of the State Fire Marshal</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Winnebago County facility. | 7-0 |

## **NEW CASES 3/5/98**

**98-107** Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc. - The Board held for duplicitous/frivolous determination, this citizens underground storage tank enforcement action involving a Cook County facility.

**98-108** City of Freeport v. IEPA - The Board accepted for hearing this land permit appeal involving a Stephenson County facility.

**98-109** Brandt Truck Line, Inc. v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a McLean County facility.

**98-110** Phillips 66 Company v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Will County facility.

**98-111** City of Freeport v. IEPA - County of Boone and the City of Belvidere v. IEPA - The Board accepted this request for a 90-day extension of time to file a land permit appeal on behalf of a Boone County facility.

**98-112** Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini - The Board held for duplicitous/frivolous determination, this citizens noise enforcement action involving a Cook County facility.

**98-113** Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA - The Board granted petitioner's motion for admission *pro hac vice* and accepted for hearing this land permit appeal involving a St. Clair County facility.

**98-15** County of Jackson v. Michael Nosovitsky - The Board accepted an administrative citation against this Jackson County respondent.

**AC 98-16** County of Jackson v. James Qualls - The Board accepted an administrative citation against this Jackson County respondent.

**AC 98-17** IEPA v. John Provenzano, d/b/a Blackstone Auto Salvage - The Board accepted an administrative citation against this Livingston County respondent.

**AC 98-18** IEPA v. Michael Howell - The Board accepted an administrative citation against this Williamson County respondent.

**AC 98-19** County of Jackson v. Gary Easton - The Board accepted an administrative citation against this Jackson County respondent.

**AC 98-20** County of Jackson v. Gary Easton, d/b/a Easton Automotive - The Board accepted an administrative citation against this Jackson County respondent.



## **NEW CASES 3/19/98**

**PCB 98-114** David Mulvain, Individually, as a resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand - The Board held for duplicitous/frivolous determination, this citizens water enforcement action involving a Winnebago County facility.

**98-115** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Boone County facility.

**98-116** L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal - The Board accepted for hearing this appeal of an underground storage tank decision involving an Effingham County facility.

**98-117** Woodward Governor Company v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a three-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.

**AC 98-21** County of Jackson v. Randy McBride - The Board accepted an administrative citation against this Jackson County respondent.

**AC 98-22** IEPA v. Terry Wingert - The Board accepted an administrative citation against this Stephenson County respondent.

**AS 98-6** In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - The Board acknowledged receipt of this petition for a adjusted standard from certain requirements on behalf of a Madison County facility and held it pending receipt of a certification of publication. No action taken.

**R98-28** In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220 - The Board accepted for hearing and adopted a first notice opinion and order concerning the Illinois Environmental Protection Agency's proposal to amend the Board's air pollution control regulations.

## **NEW CASES 4/2/98**

**98-118** Jack Donelson Sales Company v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

**98-120** Autotime, Bob Macas, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-121** John Deere Harvester Works v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Rock Island County facility.

**98-122** People of the State of Illinois v. Stanley Latek - Hearing mandatory. No action taken.

**98-123** People of the State of Illinois v. Gilster Mary Lee Corporation - Hearing mandatory. No action taken.

**98-124** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-125** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**PCB 98-126** City of Kewanee v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in

Special Condition No. 12 of its NPDES Permit No. IL0029343 and in 35 Ill. Adm. Code 305.102(b) and 304.141.

**AC 98-23** - IEPA v. Pike County Landfill, Inc. and Tom Weaver - The Board accepted an administrative citation against these Pike County respondents.

**AC 98-24** IEPA v. City of Mound City - The Board accepted an administrative citation against this Pulaski County respondent.

---

## **NEW CASES 4/16/98**

**98-127** People of the State of Illinois v. Horsehead Resource Development Company, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Lee County facility, the Board ordered publication of the required newspaper notice.

**98-128** SSCI Joint Venture and the Coca Cola Company v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-129** People of the State of Illinois v. Heartland Pork Enterprises, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against an Edgar County facility, the Board ordered publication of the required newspaper notice.

**98-130** Glister-Mary Lee Corporation v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Randolph County facility.

**98-131** Glister-Mary Lee Corporation v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Randolph County facility.

**98-132** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-133** Illinois State Toll Highway 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 a Cook County facility.

**98-134** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-135** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

**98-136** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-137** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-138** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-139** Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**98-140** Rock Valley Oil & Chemical Company, Inc. v. Office of the State Fire Marshal - The Board accepted for hearing this appeal of an underground storage tank decision involving a Winnebago County facility.

**AC 98-25** IEPA v. Melvin C. Dyer - The Board accepted an administrative citation against this Coles County respondent.

## CALENDAR OF MEETINGS

| <b>Date &amp; Time</b>     | <b>Docket Number</b> | <b>Case Name</b>  | <b>Location of Hearing</b>   |
|----------------------------|----------------------|---|--|
| 5/1/98<br>11:00am          | R 98-28              | <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> | James R. Thompson Center, 100 West Randolph Street, Room 9-031, Chicago, IL                                      |
| 5/4/98<br>10:00am          | R 97-16              | <u>In the Matter of: Proportionate Share Liability</u>  | County Building, County Board Chambers, 200 South 9 <sup>th</sup> Street, 2 <sup>nd</sup> Floor, Springfield, IL |
| <b>5/7/98<br/>10:30am</b>  |                      | <b>Illinois Pollution Control Board Meeting</b>   | <b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL</b>                              |
| 5/12/98<br>9:30am          | PCB-98-81            | <u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D. P. Cartage, Inc.</u>              | James R. Thompson Center, 100 West Randolph Street, Room 8-032, Chicago, IL                                      |
| 5/12/98<br>10:00am         | R 97-16              | <u>In the Matter of: Proportionate Share Liability</u>  | State of Illinois Building, 160 North LaSalle Street, Room C-500, Chicago, IL                                    |
| 5/13/98<br>9:30am          | PCB-98-81            | <u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc.</u>               | James R. Thompson Center, 100 West Randolph Street, Room 8-032, Chicago, IL                                      |
| 5/13/98<br>1:00pm          | R 98-28              | <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> | Sangamon County Building, County Board Chambers, 200 South 9 <sup>th</sup> Street, Room 201, Springfield, IL     |
| 5/14/98<br>9:30am          | PCB 98-81            | <u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc.</u>               | James R. Thompson Center, 100 West Randolph Street, Room 8-032, Chicago, IL                                      |
| <b>5/21/98<br/>10:30am</b> |                      | <b>Illinois Pollution Control Board Meeting</b>   | <b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL</b>                              |
| 5/21/98<br>1:30pm          | R 98-28              | <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> | James R. Thompson Center, 100 West Randolph Street, Room 9-031, Chicago, IL                                      |
| 5/27/98<br>10:00am         | R 97-16              | <u>In the Matter of: Proportionate Share Liability</u>  | County Building, County Board Chambers, 200 South 9 <sup>th</sup> Street, 2 <sup>nd</sup> Floor, Springfield, IL |
| 6/3/98<br>11:00am          | PCB 97-174           | <u>Bernice Loschen v. Grist Mill Confections, Inc.</u>  | Department of Human Services, 407 North Franklin Street, Conference Room, Suite A, Danville, IL                  |
| 6/3/98<br>2:00pm           | R 98-17              | <u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998)</u>                      | James R. Thompson Center, 100 West Randolph Street, Room 9-034, Chicago, IL                                      |
| <b>6/4/98<br/>10:30am</b>  |                      | <b>Illinois Pollution Control Board Meeting</b>   | <b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL</b>                              |
| 6/15/98<br>1:30pm          | AS 94-18             | <u>In the Matter of: Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code 218</u>                            | James R. Thompson Center, 100 West Randolph Street, Room 8-032, Chicago, IL                                      |
| <b>6/18/98<br/>10:30am</b> |                      | <b>Illinois Pollution Control Board Meeting</b>   | <b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL</b>                              |

Illinois Environmental Protection Agency  
 Division of Public Water Supplies  
 Restricted Status List -- Public Water Supplies

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm. Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm. Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 1998.

\* Indicates public water supplies which have been added to the list since the previous publication.

RDS:sp/0046g/2

Illinois Environmental Protection Agency  
 Division of Public Water Supplies  
 Restricted Status List -- Public Water Supplies  
 April, 1998

| <u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u> | <u>EPA<br/>RGN</u> | <u>NATURE OF PROBLEM</u>             | <u>POP<br/>SERVED</u> | <u>LISTING<br/>DATE</u> |
|--|--------------------|--------------------------------------|-----------------------|-------------------------|
| Acorn Acres Sbdv (Lake Co - 0975020)                 | 2                  | Inadequate Pres Tank                 | 250                   | 12/16/83                |
| Alden Long Grove Nursing Center(Lake Co - 0971090)   | 2                  | Inadequate Pres Tank                 | 204                   | 06/15/93                |
| Ashley (Washington Co - 1890100)                     | 6                  | Trihalomethane                       | 825                   | 06/15/92                |
| Bahl Wtr Corp (Jo Daviess Co - 0855200)              | 1                  | Inadequate Pres Storage              | 700                   | 12/15/93                |
| Bartmann Health Care Center (Logan Co-1075169)       | 5                  | Inadequate Pres Tank                 | 93                    | 12/16/83                |
| Belmont-Highwood PWD (DuPage Co - 0435180)           | 2                  | Trichloroethylene                    | 498                   | 09/16/93                |
| Benld (Macoupin Co - 1170050)                        | 5                  | Trihalomethane                       | 1,634                 | 09/16/96                |
| * Biggsville (Henderson Co - 0710050)                | 5                  | Adjusted Gross Alpha                 | 350                   | 03/15/98                |
| Blue & Gold Hmownrs Assn (Winnebago Co - 2015250)    | 1                  | Inad Pres Tank &<br>Source of Supply | 170                   | 06/17/83                |
| Blue Mound (Macon Co - 1150100)                      | 4                  | Nitrate                              | 1,165                 | 03/15/97                |
| Bonnie Lane Water Supply (Kendall Co - 0930010)      | 2                  | Inadequate Pres Tank                 | 49                    | 09/16/93                |

April 1998

ENVIRONMENTAL REGISTER No. 526

|   |   |                      |       |          |
|---|---|----------------------|-------|----------|
| Bradley Hts Sbdv (Winnebago Co - 2015050)       | 1 | Inadequate Pres Tank | 192   | 09/13/85 |
| * Bryant (Fulton Co - 0570200)                  | 5 | Gross Alpha          | 310   | 03/15/98 |
| Buck Lake Ests Sbdv (DeKalb Co - 0375100)       | 1 | Inadequate Pres Tank | 200   | 09/14/84 |
| Buckingham (Kankakee Co - 0910250)              | 2 | Inadequate Pres Tank | 330   | 03/17/89 |
| * Byron Woods Sbdv (Rock Island Co - 1610070)   | 1 | Arsenic              | 150   | 03/15/98 |
| Campus (Livingston Co - 1050050)                | 4 | Inadequate Pres Tank | 230   | 03/20/81 |
| Carroll Hts Utl Cmpny (Carroll Co - 0155200)    | 1 | Inadequate Pres Tank | 80    | 03/20/81 |
| Century Pines Apts (Carroll Co - 0150020)       | 1 | Inadequate Pres Tank | 50    | 12/14/90 |
| Claremont Hls Sbdv (McHenry Co - 1115080)       | 2 | Inadequate Pres Tank | 330   | 03/15/96 |
| Clearview Sbdv (Will Co - 1975360)              | 2 | Inadequate Pres Tank | 420   | 01/13/82 |
| Coalton (Montgomery Co - 1350100)               | 5 | Low System Pres      | 325   | 03/20/81 |
| Coffeen (Montgomery Co - 1350150)               | 5 | Trihalomethane       | 800   | 03/17/92 |
| Community Srvc Corp (McHenry Co - 1115350)      | 2 | Inadequate Pres Tank | 750   | 09/16/83 |
| Coulterville (Randolph Co - 1570150)            | 6 | Trihalomethane       | 1,100 | 09/16/96 |
| Coyne Cntr Coop (Rock Island Co - 1615150)      | 1 | Inadequate Pres Tank | 150   | 12/15/97 |
| Cropsey Cmnty Wtr (McLean Co - 1135150)         | 4 | Inadequate Pres Tank | 60    | 03/20/81 |
| Crystal Clear Wtr Cmpny (McHenry Co - 1115150)  | 2 | Inadequate Pres Tank | 900   | 09/16/88 |
| Crystal Hts Assn (McHenry Co - 1115100)         | 2 | Inadequate Pres Tank | 93    | 06/17/96 |
| Ctzns Liberty Ridge Dvn (DuPage Co - 0435650)   | 2 | Inadequate Pres Tank | 2,510 | 03/15/94 |
| Ctzns Lombard Heights Dvn (DuPage Co - 0435700) | 2 | Inadequate Pres Tank | 980   | 12/17/82 |
| D and R Apts (Champaign Co - 0190030)           | 4 | Inadequate Pres Tank | 26    | 09/16/93 |
| Deering Oaks Sbdv (McHenry Co - 1115200)        | 2 | Inadequate Pres Tank | 60    | 12/17/82 |
| DeKalb Univ Dvl Corp (DeKalb Co - 0375148)      | 1 | Inadequate Pres Tank | 950   | 12/16/92 |
| DeWitt Cnty NH (DeWitt Co - 0395129)            | 4 | Inadequate Pres Tank | 80    | 06/17/83 |
| Dieterich (Effingham Co - 0490150)              | 4 | Nitrite              | 568   | 12/16/96 |
| DL Well Owners Assn (Lake Co - 0975380)         | 2 | Inadequate Pres Tank | 125   | 03/18/83 |
| Dorchester (Macoupin Co - 1170250)              | 5 | Trihalomethane       | 480   | 09/16/96 |
| Dover (Bureau Co - 0110350)                     | 1 | Inadequate Pres Tank | 200   | 05/25/81 |
| Eagerville (Macoupin Co - 1170300)              | 5 | Trihalomethane       | 187   | 09/16/96 |
| East Moreland Wtr Assn (Will Co - 1975600)      | 2 | Inadequate Pres Tank | 753   | 03/20/81 |
| East Moreland Wtr Corp (Will Co - 1975640)      | 2 | Inadequate Pres Tank | 135   | 03/15/96 |
| Echo Lake Wtr Sys Block 7 (Lake Co - 0975820)   | 2 | Inadequate Pres Tank | 48    | 09/16/83 |
| * Edelstein (Peoria Co - 1435150)               | 5 | Adjusted Gross Alpha | 125   | 03/15/98 |
| Ellis Grove (Randolph Co - 1570200)             | 6 | Trihalomethane       | 720   | 12/16/96 |

|  |   |                      |       |          |
|--|---|----------------------|-------|----------|
| Elm Oak Mutual Wtr Syst (Lake Co - 0975736)        | 2 | Inad Pres Tank       | 45    | 06/13/86 |
| Emmett Utl Inc (McDonough Co - 1095200)            | 5 | Inadequate Pres Tank | 39    | 12/17/82 |
| Evergreen Vlg Sbdv (Rock Island Co - 1615310)      | 1 | Inadequate Pres Tank | 250   | 03/20/81 |
| Fahnstock Court Sbdv (Peoria Co - 1435200)         | 5 | Inadequate Pres Tank | 30    | 05/25/81 |
| Fair Acres Sbdv (Will Co - 1975680)                | 2 | Inadequate Pres Tank | 185   | 10/19/81 |
| Forest Lake Addn (Lake Co - 0975500)               | 2 | Inadequate Pres Tank | 180   | 12/16/83 |
| Frwr-Skyline Cpy (Kane Co - 0895030)               | 2 | Inadequate Pres Tank | 1,300 | 09/19/86 |
| Garden Street Imprv Assn (Will Co - 1975376)       | 2 | Inadequate Pres Tank | 62    | 09/15/89 |
| * Gardner (Grundy Co - 0630400)                    | 2 | Adjusted Gross Alpha | 1,450 | 03/15/98 |
| Glasford (Peoria Co - 1430350)                     | 5 | Adjusted Gross Alpha | 1,115 | 12/15/97 |
| Glenkirk Campus North (Lake Co - 0977189)          | 2 | Inadequate Pres Tank | 64    | 06/15/88 |
| Glenkirk Campus South (Lake Co - 0977199)          | 2 | Inadequate Pres Tank | 36    | 06/15/88 |
| Good Shepherd Mnr (Kankakee Co - 0915189)          | 2 | Inadequate Pres Tank | 140   | 03/17/89 |
| Great Oaks&Beacon Hls Apts(Winnebago Co-2015488)   | 1 | Inadequate Pres Tank | 943   | 12/17/82 |
| Hawthorn Woods (Lake Co - 0970450)                 | 2 | Inadequate Pres Tank | 800   | 03/15/95 |
| Hazelwood 1st Addn Well 2 (Henry Co - 0735446)     | 1 | Inadequate Pres Tank | 32    | 09/17/82 |
| Heatherfield Sbdv (Grundy Co - 0635150)            | 2 | Inadequate Pres Tank | 91    | 09/17/82 |
| Highland Lake Sbdv (Lake Co - 0975750)             | 2 | Inadequate Pres Tank | 294   | 03/20/81 |
| Highland Sbdv (Kane Co - 0895530)                  | 2 | Inadequate Pres Tank | 50    | 09/16/83 |
| Hillview Sbdv (Will Co - 1975800)                  | 2 | Inadequate Pres Tank | 99    | 03/15/85 |
| Hull (Pike Co - 1490350)                           | 5 | Tetrachloroethylene  | 529   | 03/15/97 |
| Huntley Cmnty Sbdv (Will Co - 1975840)             | 2 | Inadequate Pres Tank | 48    | 03/16/84 |
| * Hutsonville (Crawford Co - 0330100)              | 4 | Nitrate              | 650   | 03/15/98 |
| Ingalls Pk Sbdv (Will Co - 1975880)                | 2 | Inadequate Pres Tank | 690   | 09/16/83 |
| Island Lake Wtr Cmpny (Lake Co - 0975080)          | 2 | Iron                 | 2,250 | 06/15/90 |
| Joy (Mercer County - 1310100)                      | 1 | Inadequate Source    | 495   | 09/16/96 |
| * Kaho PWD (Macoupin Co - 1170030)                 | 5 | Trihalomethane       | 847   | 03/15/98 |
| * Knoxville (Knox Co - 0950300)                    | 5 | Adjusted Gross Alpha | 3,243 | 03/15/98 |
| Lake Lynwood Wtr Sys (Henry Co - 0735330)          | 1 | Inadequate Pres Tank | 98    | 08/31/81 |
| Lakeview Sbdv (Whiteside Co - 1955150)             | 1 | Inadequate Pres Tank | 146   | 03/20/81 |
| Lakewood Wtr Sys (Lake Co - 0975400)               | 2 | Inadequate Pres Tank | 49    | 12/16/83 |
| Larchmont Sbdv (Winnebago Co - 2015290)            | 1 | Inadequate Pres Tank | 106   | 06/17/83 |
| Larson Court Rentals (Rock Island Co - 1615728)    | 1 | Inadequate Pres Tank | 48    | 01/14/82 |
| Legend Lakes Wtr Assn (Winnebago Co - 2015300)     | 1 | Inadequate Pres Tank | 225   | 03/14/91 |
| Lemon Street Wl Cmpny Inc (Rock Island Co-1615550) | 1 | Inadequate Pres Tank | 470   | 03/20/81 |
| Liberty Park Homeowners Assn (DuPage Co - 0435600) | 2 | Inadequate Pres Tank | 1,092 | 09/17/92 |

April 1998

ENVIRONMENTAL REGISTER No. 526

|   |   |                                    |        |           |
|---|---|------------------------------------|--------|-----------|
| Lindenwood Wtr Assn (Ogle Co - 1415300)             | 1 | Inadequate Pres Tank               | 50     | 01/13/82  |
| Lisbon North Inc (Grundy Co - 0631000)              | 2 | Inadequate Pres Tank               | 30     | 09/14/90  |
| * Little Swan Lake Sndst (Warren Co - 1875050)      | 5 | Inad Hydropneumatic Storage        | 250    | 03/15/98  |
| London Mills (Fulton Co - 0574620)                  | 5 | Inadequate Pres Tank               | 670    | 12/14/84  |
| Lynn Cntr (Henry Co - 0735100)                      | 1 | Inadequate Pres Tank               | 147    | 03/15/95  |
| Lynnwood Water Corp (LaSalle Co - 0995336)          | 1 | Inadequate Pres Tank               | 114    | 03/18/83  |
| M C L W Sys Inc (Mercer Co - 1315150)               | 1 | Inadequate Source                  | 100    | 03/20/81  |
| Maple Hill Imprv Assn (DuPage Co - 0435800)         | 2 | Inad Pres Tank & Trichloroethylene | 234    | 08/31/81  |
| Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)      | 6 | Inadequate Pres Tank               | 39     | 03/20/81  |
| * Mapleton (Peoria Co - 1430500)                    | 5 | Adjusted Gross Alpha               | 350    | 03/15/98  |
| * Mark (Putnam Co - 1550250)                        | 1 | Gross Alpha                        | 400    | 03/15/98  |
| Mayfair Sbdv (Tazewell Co - 1795750)                | 5 | Inadequate Pres Tank               | 150    | 03/16/90  |
| McHenry Shores (McHenry Co - 1115020)               | 2 | Iron                               | 1,460  | 06/13/97  |
| Mound PWD (St Clair Co - 1635050)                   | 6 | Inadequate Plant Capacity          | 1,800  | 06/17/96  |
| Mount Clare (Macoupin Co - 1170650)                 | 5 | Trihalomethane                     | 297    | 09/16/96  |
| Mount Gilead Shlcrhm (Greene Co - 0615129)          | 6 | Inadequate Pres Tank               | 28     | 09/16/83  |
| Northside Peterson Wlfnd (DuPage Co - 0435866)      | 2 | Inadequate Pres Tank               | 30     | 12/15/89j |
| Northwest Belmont Imprv Assn (DuPage Co - 0435900)  | 2 | Inadequate Pres Tank               | 115    | 09/29/81  |
| Oak Ridge Sndst (Woodford Co - 2035300)             | 1 | Inadequate Pres Tank               | 240    | 03/20/81  |
| Oakview Avenue Wtrwks Inc (Will Co - 1977210)       | 2 | Inadequate Pres Tank               | 350    | 03/20/81  |
| Olivet Nazarene College (Kankakee Co - 0915279)     | 2 | Inadequate Pres Tank               | 1,450  | 03/15/94  |
| Opheim PWS (Henry Co - 0735150)                     | 1 | Inadequate Pres Tank               | 150    | 06/18/82  |
| Osco Mutual Wtr Supply Cpy Inc (Henry Co-0735200)   | 1 | Inadequate Pres Tank               | 115    | 12/15/89  |
| Park Crest Wtr Cmpny (Stephenson Co - 1775100)      | 1 | Inadequate Pres Tank               | 1,200  | 09/14/84  |
| Park Road Wtr Assn (Will Co - 1977330)              | 2 | Inadequate Pres Tank               | 60     | 12/17/82  |
| Park View Wtr Corp (Kane Co - 0895500)              | 2 | Inadequate Pres Tank               | 150    | 12/17/82  |
| Patoka (Marion Co - 1210400)                        | 6 | Inadequate Plant Capacity          | 731    | 03/15/97  |
| Peru (LaSalle Co - 0990850)                         | 1 | Inadequate Treatment Plant         | 10,886 | 09/15/97  |
| Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)      | 2 | Inadequate Pres Tank               | 95     | 12/17/82  |
| Prairie Ridge Assn (McHenry Co - 1115730)           | 2 | Inadequate Pres Tank               | 140    | 03/16/90  |
| Prairie View Wtr Assn (Tazewell Co - 1795900)       | 5 | Inadequate Pres Tank               | 55     | 03/20/81  |
| Princeville (Peoria Co - 1430750)                   | 5 | Adjusted Gross Alpha               | 1,815  | 12/15/97  |
| Ridgecrest North Sbdv (Grundy Co - 0635250)         | 2 | Inadequate Pres Tank               | 85     | 09/16/93  |
| Ridgewood Ledges Wtr Assoc (Rock Island Co-1615670) | 1 | Inadequate Pres Tank               | 475    | 03/20/81  |

|  |   |                      |       |          |
|--|---|----------------------|-------|----------|
| Ridgewood Sbdv (Will Co - 1977650)                 | 2 | Inadequate Pres Tank | 315   | 06/18/82 |
| Save Site (St Clair Co - 1635289)                  | 6 | Trihalomethane       | 375   | 06/15/92 |
| Sbdv Wtr Trust No 1 (Kane Co - 0895300)            | 2 | Inadequate Pres Tank | 1,120 | 03/20/81 |
| Scribner Street Sbdv (Will Co - 1977660)           | 2 | Inadequate Pres Tank | 50    | 03/18/83 |
| Shawnita Trc Wtr Assn (Will Co - 1977690)          | 2 | Inadequate Pres Tank | 125   | 09/17/92 |
| Shipman (Macoupin Co - 1170950)                    | 5 | Trihalomethane       | 675   | 12/16/96 |
| Silvis Heights Wtr Corp (Rock Island Co - 1615750) | 1 | Inadequate Pres Tank | 1,680 | 03/20/82 |
| Skyview Estates (Kankakee Co - 0915526)            | 2 | Inadequate Pres Tank | 65    | 09/14/84 |
| Sorento (Bond Co - 0050300)                        | 6 | Trihalomethane       | 750   | 09/16/96 |



|  |   |                         |       |
|--|---|-------------------------|-------|
| Spring Creek Wtr Assn (Macoupin Co - 1175450)<br>09/16/96      | 5 | Trihalomethane          | 60    |
| St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)<br>12/15/89      | 2 | Inadequate Pres Tank    | 30    |
| Staunton Res Rd Wtr (Macoupin Co - 1175250)<br>12/16/96        | 5 | Trihalomethane          | 70    |
| Sturm Sbdv (Lake Co - 0977010)<br>03/16/84                     | 2 | Inadequate Pres Tank    | 63    |
| Suburban Heights Sbdv (Rock Island Co - 1615800)<br>12/16/83   | 1 | Inadequate Pres Tank    | 114   |
| Summit Homeowners Assn (Lake Co - 0975280)<br>03/16/84         | 2 | Inadequate Pres Tank    | 48    |
| Sunnyland Sbdv (Will Co - 1977730)<br>09/16/83                 | 2 | Inadequate Pres Tank    | 350   |
| Swedona Wtr Assn (Mercer Co - 1315200)<br>06/15/90             | 1 | Inadequate Pres Tank    | 100   |
| Sylvan Lake 1st Sbdv (Lake Co - 0977100)<br>06/14/91           | 2 | Inadequate Pres Tank    | 210   |
| Tindalls 3rd & 6th Addn (Rock Island Co - 1617376)<br>06/18/82 | 1 | Inadequate Pres Tank    | 28    |
| Towners Sbdv (Lake Co - 0977250)<br>01/14/82                   | 2 | Inadequate Pres Tank    | 238   |
| Trivoli PWD (Peoria Co - 1435510)<br>06/17/83                  | 5 | Inadequate Pres Tank    | 350   |
| Turkey Hollow Well Corp (Rock Island Co - 1615686)<br>06/18/82 | 1 | Inadequate Pres Tank    | 32    |
| Utl Inc Clarendon Wtr Cmpny (DuPage Co - 0435300)<br>03/20/81  | 2 | Inadequate Pres Tank    | 1,953 |
| Utl Inc Northern Hls Utl Co(Stephenson Co-1775050)<br>03/15/96 | 1 | Inadequate Pres Tank    | 290   |
| Utl Inc Walk-Up Woods Wtr Co(McHenry Co - 1115800)<br>12/17/82 | 2 | Inadequate Pres Tank    | 763   |
| Wermes Sbdv (Kane Co - 0895750)<br>12/16/88                    | 2 | Inadequate Pres Tank    | 150   |
| West Shoreland Sbdv (Lake Co - 0977050)<br>06/14/91            | 2 | Inadequate Pres Tank    | 220   |
| Westfield (Clark Co - 0230200)<br>06/15/93                     | 4 | Inadequate Water Source | 700   |
| White City (Macoupin Co - 1171150)<br>12/16/96                 | 5 | Trihalomethane          | 280   |
| White Hall (Greene Co - 0610400)<br>03/15/97                   | 6 | Trihalomethane          | 2,950 |

|  |   |                      |       |
|--|---|----------------------|-------|
| Wienen Estates (Jo Daviess Co - 0850030)     | 1 | Inadequate Pres Tank | 70    |
| 12/15/97                                     |   |                      |       |
| Wilsonville (Macoupin Co - 1171200)          | 5 | Trihalomethane       | 609   |
| 09/16/96                                     |   |                      |       |
| Wonder Lake Wtr Cmpny (McHenry Co - 1115750) | 2 | Inadequate Pres Tank | 1,161 |
| 06/16/94                                     |   |                      |       |
| Woodland Hts Ests Sbdv (Peoria Co - 1435760) | 5 | Inadequate Pres Tank | 245   |
| 03/20/81                                     |   |                      |       |
| Woodsmoke Ranch Assn (LaSalle Co - 0990030)  | 1 | Inad Pres Tank       | 350   |
| 06/15/90                                     |   |                      |       |
| * Yates City (Knox Co - 0950700)             | 5 | Adjusted Gross Alpha | 850   |
| 03/15/98                                     |   |                      |       |
| York Cntr Coop (DuPage Co - 0437550)         | 2 | Inadequate Pres Tank | 240   |
| 06/15/88                                     |   |                      |       |
| 2nd Street Wtr Assn (Lake Co - 0971140)      | 2 | Indaquate Pres Tank  | 33    |
| 12/15/95                                     |   |                      |       |

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

|   |  |
|---|--|
| Blandinsville (McDonough Co - 1090100)      | Galena Knolls Sbdv (Peoria Co - 1435300) |
| Breezeway Sbdv (Tazewell Co - 1795150)      | Gillespie (Macoupin Co - 1170400)        |
| Briar Garden Apts (Winnebago Co - 2015190)  | Hettick (Macoupin Co - 1170500)          |
| Cherry View Apts (Winnebago Co - 2015278)   | Rome Farms #9 (Peoria Co - 1435500)      |
| Ctzns Marina Village (Kendall Co - 0935100) | Vet's Place Sbdv (Peoria Co - 1435650)   |
| Fairview (Fulton Co - 0570450)              | Warsaw (Hancock Co - 0670650)            |
| Flat Rock (Crawford Co - 0330050)           |  |

Illinois Environmental Protection Agency  
 Division of Public Water Supplies  
 Critical Review List -- Public Water Supplies

The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations which would place it on the Restricted Status List.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 1998.

\* Indicates public water supplies which have been added to the list since the previous publication.

RDS:sp/0046g/4

| <u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>              | <u>EPA RGN</u> | <u>NATURE OF PROBLEM</u>    | <u>POP SERVED</u> | <u>LISTING DATE</u> |
|---|----------------|-----------------------------|-------------------|---------------------|
| Albers (Clinton Co - 0270050)<br>03/15/96                         | 6              | Inadequate Plant Capacity   | 850               |                     |
| * Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)<br>03/15/98 | 4              | Inad Hydropneumatic Storage | 442               |                     |
| Baylis (Pike Co - 1490100)<br>09/13/85                            | 5              | Source Capacity             | 300               |                     |
| Bluford (Jefferson Co - 0810100)<br>03/20/81                      | 7              | Low System Pressure         | 465               |                     |
| * Browning (Schuyler Co - 1690050)<br>03/15/98                    | 5              | Inadequate Source           | 495               |                     |
| Ctzns Chickasaw Hills Div (Will Co - 1975320)<br>09/17/92         | 2              | Low System Pressure         | 7,700             |                     |
| Clinton (DeWitt Co - 0390050)<br>06/14/91                         | 4              | Inad Plant Capacity         | 7,437             |                     |
| * Columbia (Monroe Co - 1330050)<br>03/15/98                      | 6              | Inad Pumping Capacity       | 5,893             |                     |
| DePue (Bureau Co - 0110300)<br>12/15/93                           | 1              | Inad Treatment Plant        | 1,930             |                     |
| Dieterich (Effingham Co - 0490150)<br>03/15/94                    | 4              | Inadequate Source           | 568               |                     |
| Edwardsville (Madison Co - 1190250)<br>12/15/93                   | 6              | Inad Treatment Plant        | 30,581            |                     |

|   |   |  |       |
|---|---|--|-------|
| Evansville (Randolph Co - 1570250)<br>05/25/81                  | 6 | Low System Pressure                        | 1,838 |
| Georgetown (Vermilion Co - 1830350)<br>06/15/93                 | 4 | Inadequate Water Plant                     | 3,678 |
| Hardin (Calhoun Co - 0130200)<br>11/25/81                       | 6 | Low System Pressure                        | 1,175 |
| Highland Hills Sndst (DuPage Co - 0435560)<br>09/17/92          | 2 | Inadequate Pres Tank                       | 1,100 |
| Homer (Champaign Co - 0190300)<br>03/15/94                      | 4 | Inadequate Source                          | 1,300 |
| Kincaid (Christian Co - 0210250)<br>06/14/85                    | 5 | Plant Capacity                             | 2,640 |
| * Lee (Lee Co - 1034600)<br>03/15/98                            | 1 | Inad Hydropneumatic Storage                | 350   |
| McHenry Shores Wtr Cmpny (McHenry Co - 1115020)<br>09/17/92     | 2 | Low System Pressure                        | 1,170 |
| * Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)<br>03/15/98 | 5 | Inadequate Source                          | 1,030 |
| Pearl (Pike Co - 1490650)<br>09/17/82                           | 5 | Inadequate Pres Tank                       | 322   |
| Pecatonica (Winnebago Co - 2010250)<br>06/15/90                 | 1 | Low System Pressure                        | 1,830 |
| Scales Mound (Jo Daviess Co - 0850400)<br>09/15/97              | 1 | Low System Pressure                        | 400   |
| South Highway PWD (Jackson Co - 0775400)<br>06/15/92            | 7 | Low System Pressure                        | 8,189 |
| Stockton (Jo Daviess Co - 0850450)<br>06/15/84                  | 1 | Low System Pressure                        | 1,900 |
| Sumner (Lawrence Co - 1010300)<br>12/13/85                      | 7 | Low System Pressure                        | 1,553 |
| Taylor Springs (Montgomery Co - 1350650)<br>02/20/81            | 5 | Low System Pressure                        | 650   |
| Tower Ridge Sbdv (Rock Island Co - 1615780)<br>03/15/94         | 1 | Inadequate Pres Tank                       | 70    |
| Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)<br>09/14/84    | 2 | Low Sys Pres &<br>Inad Pres Storage        | 800   |
| Walnut Hill (Marion Co - 1210600)<br>06/14/85                   | 6 | Low System Pressure                        | 1,200 |
| West Liberty-Dundas Wtr Dst (Richland Co-1595050)<br>12/14/84   | 7 | Low System Pressure<br>& Inadequate Source | 693   |
| Wonder Lake Wtr Cmpny (McHenry Co - 1115750)<br>12/14/90        | 2 | Inadequate Storage                         | 1,080 |

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

None

# ILLINOIS POLLUTION CONTROL BOARD MEETING DATES

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

## REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1998\*

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

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

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

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

|  |                              |                                  |
|--|------------------------------|----------------------------------|
| Claire A. Manning, Chairman<br>Springfield |                              |                                  |
| Ronald C. Flemal<br>DeKalb                 | G. Tanner Girard<br>Grafton  | Kathleen M. Hennessey<br>Chicago |
| Marili McFawn<br>Inverness                 | J. Theodore Meyer<br>Chicago | Joseph Yi<br>Park Ridge          |

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

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

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

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