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# Environmental Register

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Claire A. Manning, Chairman

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## Letter from the Chairman

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Our September 19, 2002 meeting marks the end of an era at the Board as Member Ronald C. Flemal attends his last meeting. After 17 years of outstanding service to the citizens of Illinois, Member Flemal is retiring from the Board on September 30, 2002. I am taking this opportunity to say a few words about Member Flemal and to thank him for his tireless efforts as a Board Member.



After graduating with a BS from Northwestern, Member Flemal went east and earned a PhD in Geology from Princeton University. He returned to the Midwest and served as a Professor of Geology at Northern Illinois University from 1967 to 1985. During this time, he authored over eighty articles on the environment and natural science.

Public service called when Governor James R. Thompson appointed Member Flemal to the Board in 1985. While with the Board, Member Flemal presided over several of the most significant environmental rulemakings in Illinois history. These included establishing the State's groundwater protection standards, rules for potentially infectious medical waste, and water toxics rules for surface waters and effluent. The water toxics rules were upheld by the Illinois Supreme Court in its 1993 Granite City decision.

Besides bringing to bear the knowledge and analytical rigor of a scientist, Member Flemal's tenure at the Board was perhaps best characterized by his passion for the environment and his pragmatic approach to difficult issues. You would be hard-pressed to find a more dedicated, principled, or thoughtful public servant. As testimonial to his exceptional qualities and accomplishments, Member Flemal was reappointed both by Governor Jim Edgar in 1996 and by Governor George H. Ryan in 1999.

Member Flemal will be sorely missed. We wish him and his family all the best and offer our heartfelt thanks for his invaluable contributions to protecting our State's environment.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink on a light-colored background.

Claire A. Manning, Chairman

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## Federal Update

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### **United States Environmental Protection Agency Adopts Final Rule Revising the Transportation Conformity Rule Under the Clean Air Act**

On August 6, 2002, the United States Environmental Protection Agency (USEPA) adopted amendments to the Transportation Conformity Rule that included minor revisions of the 18-month requirement for initial state air quality implementation plan (SIP) submissions, and addition of a grace period for newly designated Nonattainment Areas. 67 Fed. Reg. 50808.

Transportation conformity is required by the Clean Air Act (CAA) to ensure that federally supported highway and transit project activities are consistent with the purpose of a SIP. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. USEPA's transportation conformity rule establishes the criteria and procedures for determining whether transportation activities conform to the state air quality plan.

First, the final rule implements an October 27, 2000 CAA amendment that provides a one-year grace period before conformity is required in areas that are designated nonattainment for a given air quality standard for the first time. Although the grace period is already available to newly designated nonattainment areas as a matter of law, USEPA incorporated the one-year conformity grace period into the conformity rule.

Second, the final rule changes the point by which a conformity determination must be made following a State's submission of a control strategy implementation plan or maintenance plan for the first time (an "initial" SIP submission). The rule requires conformity to be determined within 18 months of USEPA's affirmative finding that the SIP's motor vehicle emissions budgets are adequate. Previously, the conformity rule required a new conformity determination within 18 months of the submission of an initial SIP. This change to the conformity rule better aligns when the 18-month requirement for conformity to initial SIP submissions is implemented, so that state and local agencies have sufficient time to redetermine conformity when initial SIPs are submitted and after USEPA finds the SIP budgets adequate.

This final rule is effective on September 5, 2002.

For further information contact: Angela Spickard, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; email address, [spickard.angela@epa.gov](mailto:spickard.angela@epa.gov); telephone number, (734) 214-4283.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act "fast-track" procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000), as amended by P.A. 92-0574, eff. June 26, 2002).

## **United States Environmental Protection Agency Adopts Final Rules for the Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Non-Conformance Penalties for 2004 and later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles**

On August 8, 2002, the United States Environmental Protection Agency (USEPA) adopted nonconformance penalties (NCPs) for the 2004 and later model year non-methane hydrocarbons and nitrogen oxides (NMHC and NOx) standard for heavy-duty diesel engines and vehicles. In general, the availability of NCPs allows a manufacturer of heavy-duty engines (HDEs) whose engines fail to conform with the applicable 2004 model year emission standards, but do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. 67 Fed. Reg. 51464.

The final rule established the upper limit associated with the 2004 emission standard for NMHC and NOx as 4.5 grams per brake-horsepower-hour for light and medium heavy-duty engines and urban buses, and 6.0 grams per brake-horsepower-hour for heavy heavy-duty engines. Based on these upper limits, the rule also established the cost inputs used in the general NCP formula currently in the regulations. This rulemaking affects producers or importers of new heavy-duty diesel engines which are intended for use in highway vehicles such as trucks and buses or other types of heavy-duty highway vehicles.

This rule is effective on August 8, 2002.

For further information contact: Margaret Borushko, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105; Telephone (734) 214-4334; Fax: (734) 214-4816; E-mail: [borushko.margaret@epa.gov](mailto:borushko.margaret@epa.gov).

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act "fast-track" procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000), as amended by P.A. 92-0574, eff. June 26, 2002).

## **United States Environmental Protection Agency Proposes Amendments to the State Implementation Plan (SIP) Procedural Regulations Under the Clean Air Act**

On August 8, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to its procedural regulations regarding State Implementation Plans under the Clean Air Act (CAA). The amendments clarify that such plans, when approved by USEPA, are fully enforceable and binding upon all entities affected by the plans, and that any interpretations of relevant law or application of law to specific facts contained in USEPA's rulemaking action on such plans shall have full force and effect of law as precedent for any future USEPA rulemaking action on similar plans. 67 Fed. Reg. 51525.

USEPA further proposed to clarify that it will apply the CAA and implementing regulations in like manner to like situations, and will explain any deviations from past practice based upon factual differences in different areas or developing interpretations of applicable law in future plan approval or disapproval actions, through notice-and-comment rulemaking.

For a number of years, USEPA had included certain language in the preambles to its rulemaking actions approving or disapproving submitted SIPs indicating that "[n]othing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. U.S. EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements." (58 FR 48312, September 15, 1993). By this language, USEPA had intended to convey to states contemplating prospective SIP revisions that USEPA's approval or disapproval of any SIP would depend on the specific facts and law applicable to the SIP revision at issue, and that states could not be guaranteed an identical result to that reached in any prior SIP action. The purpose of this language was not to leave the approved SIPs without the force and effect of law as to regulated parties, nor to deprive the rulemaking actions regarding SIP submissions of the precedential effect they necessarily have regarding subsequent EPA rulemaking actions. The USEPA has the ability to adjust its policies and rulings in light of experience and to announce new principles through rulemaking procedures, however USEPA may not depart from its prior rules of decision to reach

a different result in future cases without fully explaining such discrepancies and taking comment on the appropriateness of the resulting action. Western States Petroleum Association, et al., v. USEPA, et al., 87 F.3d 280 (9th Cir. 1996).

In a recent decision concerning a Nevada SIP revision, the Court of Appeals for the Ninth Circuit acknowledged that SIPs are enforceable against regulated parties. USEPA had included language in the SIP as a warning to States that they could not be guaranteed a given result in future SIP revision requests. However, the court interpreted the language as limiting the binding precedential effect of USEPA's action approving the SIP.. Hall v. EPA, 273 F.3d 1146 (9th Circuit 2001). As stated above, USEPA did not intend this result, and further believes that in light of existing law concerning Agency rulemaking, USEPA could not impose such a restriction on its actions in any event.

Therefore, USEPA proposed amendments to its regulations to clarify that all USEPA actions on SIPs do have full force and effect of law and binding precedential effect. Under the proposed rule, all approved SIPs are fully enforceable, and all USEPA actions approving or disapproving SIPs have binding precedential effect. Where USEPA proposes in any future SIP action to make any deviations from past practice based upon factual differences in different areas or developing interpretations of applicable law, USEPA will do so through full notice-and-comment rulemaking in future plan approval or disapproval actions.

Comments must be received on or before September 9, 2002 and should be sent to Docket #A-2002-10, Office of Air and Radiation Docket and Information Center, 1200 Pennsylvania Avenue, NW., Mail Code 6102, Washington, DC 20460, phone number (202) 260-7548.

For further information contact: Ms. Denise M. Gerth, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C-539-02, Research Triangle Park, NC 27711, telephone number (919) 541-5550 or e-mail at: [gerth.denise@epa.gov](mailto:gerth.denise@epa.gov).

If USEPA adopts these proposed rules, and amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act "fast-track" procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000), as amended by P.A. 92-0574, eff. June 26, 2002).

### **United States Environmental Protection Agency Announces the Availability of its Final Report on Real-Time Monitoring for Toxicity Caused by Harmful Algal Blooms and Other Water Quality Perturbations**

On August 14, 2002, the United States Environmental Protection Agency (USEPA) published a notice of availability of a final report titled, "Real-Time Monitoring for Toxicity Caused by Harmful Algal Blooms and Other Water Quality Perturbations" (EPA/600/R-01/103), which was prepared by USEPA's National Center for Environmental Assessment (NCEA) of the Office of Research and Development (ORD). 67 Fed. Reg. 53001

This project, sponsored by USEPA's Environmental Monitoring for Public Access and Community Tracking (EMPACT) program, evaluated the ability of an automated biological monitoring system that measures fish ventilatory responses (ventilatory rate, ventilatory depth, and cough rate) to detect developing toxic conditions in water. The report describes the development and operation of a real-time automated biomonitoring system for detecting toxicity caused by harmful algal blooms and other water quality perturbations. The system was developed and evaluated over a 2-year period (March 1999 through November 2000) on the Chicamacomico and Transquaking Rivers, tributaries to the Chesapeake Bay on Maryland's Eastern Shore. Relevant literature was reviewed through May 2001.

The report was made available on August 14, 2002, and can be accessed electronically through the NCEA Web site at <http://www.epa.gov/ncea> under the "What's New" or "Publications" menus. A limited number of paper copies will be available from USEPA's National Service Center for Environmental Publications (NSCEP), PO Box 42419, Cincinnati, Ohio 45242; telephone: 1-800-490-8190 or 513-489-8190; facsimile: 5-13-489-8695.

For further information contact the Technical Information Staff, National Center for Environmental Assessment/Washington Office (8623D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: 202-564-3261; fax: 202-565-0050.

## **United States Environmental Protection Agency Proposes Amendments to the National Environmental Performance Track Program**

On August 13, 2002, the United States Environmental Protection Agency proposed amendments to its National Environmental Performance Track (Performance Track) program. Participation in this program, which involves multiple environmental statutes, is available only to members in USEPA's National Environmental Performance Track program. Formerly known as the Achievement Track, the program is designed to recognize facilities that consistently meet their legal requirements, that have implemented management systems to monitor and improve performance, that have voluntarily achieved environmental improvements beyond compliance, and that publicly commit to specific environmental improvements and report on progress. 67 Fed. Reg. 52674

The rulemaking proposes: 1) a provision that would allow hazardous waste generators who are members in Performance Track up to 180 days to accumulate their hazardous waste without a Resource Conservation and Recovery Act (RCRA) permit or interim status; 2) simplifications to reporting requirements for facilities governed by Maximum Available Control Technology (MACT) provisions of the Clean Air Act (CAA); and 3) specific reporting modifications for Publicly Owned Treatment Works (POTWs) regulated by the Clean Water Act (CWA). Additionally, USEPA is soliciting comments on a potential pilot program for consolidated reporting that would allow Performance Track facilities to submit a single report that would contain data routinely required under the CAA, the CWA, the Emergency Planning and Community Right-to-know Act (EPCRA), and the RCRA. These provisions are intended to serve as incentives for facility membership in the National Environmental Performance Track, and as demonstrations of the concept for reporting streamlining.

The National Environmental Performance Track program is designed to recognize and encourage top environmental performers, those who go beyond compliance with regulatory requirements to attain levels of environmental performance and management that provide greater benefit to people, communities, and the environment. The program is based upon the experiences of USEPA, states, businesses, and community and environmental groups with new approaches that achieve high levels of environmental protection with greater efficiency. This experience includes: USEPA's Common Sense Initiative, designed to improve environmental results by tailoring strategies for six industry sectors; the national Environmental Leadership Program and USEPA Region I's Star Track program, designed as new ways to encourage businesses to do better than required; and many performance track-type programs in states such as Oregon, Wisconsin, New Jersey and Virginia.

The amendments filed by USEPA propose several regulatory provisions that constitute enforceable legal requirements for facilities that are members of the Performance Track program and that have taken all other necessary steps required for the applicability or implementation of the individual regulatory incentive provisions. To be considered for acceptance in the Performance Track, facilities must: have adopted and implemented an environmental management system (EMS) that includes specific elements; be able to demonstrate environmental achievements and commit to continued improvement in particular environmental categories; engage the public and report publicly on their performance; and have a record of sustained compliance with environmental requirements.

Comments must be submitted on or before November 12, 2002, and sent to: Docket No. A-2000-47, U.S. Environmental Protection Agency, Mailcode 6102, 1200 Pennsylvania Avenue NW., Washington, DC 20460

For further information contact: Robert D. Sachs, telephone number 202-260-2765, email at [sachs.robert@epa.gov](mailto:sachs.robert@epa.gov). In addition, a copy of USEPA's rulemaking is available on the Web at <http://www.epa.gov/ttn/oarpg>

If adopted by USEPA, these amendments may require amendments to several of the Board's air, land, and water rules.

# Rule Update

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## **Board Adopts First Notice Opinion and Order for the Site-Specific Air Rulemaking Proposal in Proposed Horween Leather Company Site Specific Air Rule 35 Ill. Adm. Code 211.6170, R02-20**

On August 8, 2002, the Board adopted a first notice opinion and order in Proposed Horween Leather Company Site Specific Air Rule 35 Ill. Adm. Code 218.112 and 218.929, R02-20. This rulemaking was initiated by a February 19, 2002 proposal filed by the Horween Leather Company (Horween) of Chicago, Illinois. The Board's first notice order proposes to amend 35 Ill. Adm. Code 218, "Organic Material Emission Standards and Limitations for the Chicago Area" by adding a new Section 218.929 and amending Section 218.112. The proposal would change the volatile organic material (VOM) control requirements as applied to a small amount of new specialty leathers that Horween plans to produce at its facility at 2015 North Elston Avenue in Chicago.

The new Section 218.929 proposes to limit Horween's VOM emissions to 24 lbs. VOM per 1000 square feet for waterproof leather (12 month rolling average) and 14 lbs. for non-waterproof leather with an annual cap of the total emissions at 20 tons. The proposal also includes definitions of the specialty leathers covered by this rulemaking, standard operating and maintenance procedures, and reporting and record keeping requirements. The amendment to Section 218.112 incorporates by reference an ASTM test method, "Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester." The Board held hearing on this rulemaking on June 26, 2002 in Chicago.

For additional information contact William Murphy at 312/814-6062; e-mail address: [murphym@ipcb.state.il.us](mailto:murphym@ipcb.state.il.us)

## **Board Dismisses 5 Identical in Substance Rulemaking Dockets As Unnecessary: UST Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-1; Wastewater Pretreatment Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-2; Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-3; UIC Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-5; RCRA Subtitle D Update, USEPA Regulations (January 1, 2002 through June 30, 2002), R03-6**

Every six months, the Board reserves a series of dockets for adoption of Board rules, to any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On August 8, 2002, the Board dismissed as unnecessary five dockets reserved to consider any rules adopted by USEPA during the period January 1, 2002 through June 30, 2002. As described in detail below, in each of five program areas either USEPA adopted no rules during the update period, or the Board was not required to amend the Illinois regulations.

**UST Program (R03-1).** Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (2000)) requires the Board to adopt regulations which are "identical in substance," as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2000)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6993 (2000), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

During the period January 1, 2002 through June 30, 2002, the USEPA did not amend its UST regulations. Therefore, no action was necessary, and the Board dismissed the docket.

**Wastewater Pretreatment Program (R03-2).** Sections 7.2 and 13.3 of the Act (415 ILCS 5/7.2 and 13.3 (2000)), require the Board to adopt regulations that are "identical in substance," as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2000)), to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (1994)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

During the January 1, 2002, through June 30, 2002, time period, USEPA amended 40 C.F.R. 400 through 499 once, on January 23, 2002 (at 67 Fed. Reg. 3370). Those amendments related to discharges from sources in the coal mining point source category, which did not affect the wastewater pretreatment rules because they did not include indirect discharges to a publicly owned treatment works. No Board action will be necessary based on this lone federal action for the update period January 1, 2002 and June 30, 2002. Therefore, the Board dismissed this docket.

**VOM Program (R03-3).** Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2000)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2000)), to exemptions from the definition of “volatile organic material” (VOM), those compounds that the United States Environmental Protection Agency (USEPA) has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

During the period January 1, 2002 through June 30, 2002, USEPA did not amend its definition of VOM. Therefore, no action is necessary, and the Board dismissed the docket.

**UIC Program (R03-5).** Section 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/13(c) (2000)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2000). Specifically, Section 13(c) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (1998)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

During that time period, USEPA did not amend its UIC regulations. Therefore, no action is necessary, and the Board dismissed this docket. However, the Board’s order notes that USEPA made two affirmative determinations during the period that actions were not necessary. On April 4, 2002 (67 Fed. Reg. 16262), USEPA determined not to list certain paint production wastes as hazardous and impose land disposal restrictions on them. On June 7, 2002 (67 Fed. Reg. 39584), USEPA determined no further regulatory action was necessary with regard to any Class V injection wells not included in the December 7, 1999 rules applicable to motor vehicle waste disposal wells and large-capacity cesspools. USEPA determined that existing regulations were adequate as to these Class V wells, which include shallow non-hazardous waste industrial disposal wells, large-capacity septic systems, agricultural and storm water drainage wells, and others.

**RCRA, Subtitle D (Non-hazardous Waste Program (R03-6).** Section 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.40(a) (2000)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2000)), to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (2000)). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

During the period January 1, 2002 through June 30, 2002, USEPA did not amend its MSWLF rules. Therefore, no action was necessary, and the Board dismissed the docket.

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).



# Board Actions

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August 8, 2002  
Springfield, Illinois

## Rulemakings

R 02-20	<u>In the Matter of: Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm. Code 218.112 and 218.929</u> – The Board adopted a first notice opinion and order in this matter to amend the Board’s air regulations.	7-0 R, Air Site Specific
R 03-1	<u>In the Matter of: UST Update, USEPA Regulations (January 1, 2002 through June 30, 2002)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period.	7-0 R, Land
R 03-2	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 2002 through June 30, 2002)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period.	7-0 R, Land
R 03-3	<u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2002 through June 30, 2002)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period.	7-0 R, Air
R 03-5	<u>In the Matter of: UIC Update, USEPA Regulations (January 1, 2002 through June 30, 2002)</u> – The Board dismissed this reserved identical-in-substance docket because the only United States Environmental Protection Agency amendment to underground injection control regulations during the update period did not require any Board action.	7-0 R, Land
R 03-6	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 2002)</u> – The Board dismissed this reserved identical-in-substance docket because the only United States Environmental Protection Agency amendment to its non-hazardous waste regulations during the update period did not require any Board action.	7-0 R, Land

## Administrative Citations

AC 01-29	<u>IEPA v. Lesslie Yocum, Sandra Yocum, Rick L. Yocum, and Shawna B. Yocum (Birmingham/Yocum #1); IEPA v. Lesslie Yocum and Sandra Yocum (Birmingham/Yocum #2)</u> – The Board entered an order requiring respondents to pay the Board and the Illinois Environmental Protection Agency hearing costs in	5-2
AC 01-30		Girard and Johnson

(Cons.)	<p>pay the Board and the Illinois Environmental Protection Agency hearing costs in the amount of \$281.10 and \$69.33 respectively, and a civil penalty of \$6,000. This order follows the Board's interim order of June 6, 2002, which found that this respondent had violated Sections 21(p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessed a penalty of \$6,000 at respondents' Schuyler County facility.</p>	dissented
AC 01-42	<p><u>IEPA v. Alan Smith</u> – The Board entered an order requiring respondent to pay the Board and the Illinois Environmental Protection Agency hearing costs in the amount of \$335.25 and \$88.65 respectively, and a civil penalty of \$1,500. This order follows the Board's interim order of June 6, 2002, which found that this respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21 (p)(3) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessed a penalty of \$1,500 at respondent's Champaign County facility.</p>	7-0
AC 02-2	<p><u>IEPA v. Nordean and Susan Simons d/b/a Berman Auto Parts</u> – The Board entered an interim opinion and order finding respondents violated Section 21(p)(1) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondents.</p>	7-0
AC 02-7	<p><u>IEPA v. Terry and Litisha Springer</u> The Board entered an interim opinion and order finding respondents violated Section 21(p)(1) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondents.</p>	7-0
AC 02-16	<p><u>IEPA v. Brad Krstic</u> – The Board entered an order requiring respondent to pay the Board and the Illinois Environmental Protection Agency hearing costs in the amount of \$467.00 and \$140.40 respectively, and a civil penalty of \$1,500. This order follows the Board's interim order of June 6, 2002, which found that this respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21 (p)(3) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessed a penalty of \$1,500 at respondent's Mercer County facility.</p>	7-0
AC 02-18	<p><u>IEPA v. Bradney Luckhart</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Logan County facility, the Board found respondent violated Section 21(p)(3) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).</p>	7-0

AC 02-20	<u>IEPA v. Housewright Lumber Company and William A. Housewright</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Hancock County facility, the Board found respondents violated Sections 21(p)(1) and (p)(3) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondents to pay a civil penalty of \$3,000. The Board also dismissed the alleged violations of Sections 21(p)(4) and (p)(7) of the Act (415 ILCS 5/21(p)(4), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).	7-0
AC 02-32	<u>IEPA v. Colorado Real Estate &amp; Investment Company</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).	7-0
AC 02-39	<u>IEPA v. Jerel Childers</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Massac County facility, the Board found respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).	7-0
AC 02-42	<u>IEPA v. Herbert L. Board</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Edgar County facility, the Board found respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 02-56	<u>City of Chicago Department of Environment v. City Wide Disposal, Inc.</u> – The Board dismissed this administrative citation involving a Cook County facility due to the City of Chicago’s failure to timely serve it on respondent.	7-0
AC 02-57	<u>City of Chicago Department of Environment v. City Wide Disposal, Inc.</u> – The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondent to pay a civil penalty of \$3,000.	6-1 Girard dissented
AC 02-58	<u>IEPA v. RCS, Inc. and Robert Fosnock</u> – The Board dismissed this administrative citation involving a Jersey County facility due to the Illinois Environmental Protection Agency’s failure to timely serve it on respondents.	7-0

AC 02-60	<u>IEPA v. Little Dozing Service, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Edgar County facility, the Board found respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000) amended by P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$3,000. The Board also dismissed the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2000) amended by P.A. 92-0574, eff. June 26, 2002) and the petition for review.	7-0
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AC 02-61	<u>IEPA v. Steve Koester</u> – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	7-0
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## Decisions

PCB 96-256	<u>People of the State of Illinois v. Crier Development Company and Bradley S. Cowell</u> — Having previously found that respondent violated Section 12(b) of the Act and 35 Ill. Adm. Code 309.202(a) (415 ILCS 5/12(b) (2000) amended by P.A. 92-0574, eff. June 26, 2002), the Board ordered the respondents to pay a total civil penalty of \$25,000 and to cease and desist from further violation of the Act. Complainant must file an affidavit in support of their request for fees by August 22, 2002, and respondents may file a response to the affidavit by September 5, 2002.	6-1 Marovitz dissented W-E
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PCB 03-4	<u>People of the State of Illinois v. Oak Terrace Sanitary System, Inc.</u> – In this water enforcement action concerning a Christian County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) amended by P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.	6-1 Marovitz dissented W-E
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## Motions and Other Matters

PCB 97-119	<u>People of the State of Illinois v. G&amp;M Total, Inc. and George Papas, individually and as President of G&amp;M Total, Inc.</u> – The Board denied respondent’s motion for leave to appear <i>pro hac vice</i> .	7-0 UST-E
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PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – The Board denied complainant’s motion to strike respondent affidavit, and will allow complainant until August 15, 2002 to respond to the motion to strike affidavit.	7-0 L-E
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PCB 99-120	<u>People of the State of Illinois v. Wood River Refining Company</u> – The Board granted in part and denied in part complainant’s motion to strike affirmative defenses.	7-0 A-E
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PCB 99-193	<u>People of the State of Illinois v. The Purdy Company and Indiana Harbor Belt Railroad</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 00-111	<u>People of the State of Illinois v. R. Frietsch &amp; Company, Inc.</u> – The Board denied the motions for summary judgment and found it unnecessary to decide on the complainant’s motion to strike the affidavit.	7-0 A-E
PCB 00-140	<u>Gladys L. Knox and David A. Knox v. Turriss Coal Company and AEI Resources, Inc.</u> – The Board denied respondent’s objections to evidentiary rulings finding that the hearing officer correctly ruled to allow the testimony, report, and rebuttal testimony of Greg Zak.	7-0 Citizens N-E
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – The Board declined to rule on petitioner’s motion for summary judgment and ordered this matter to proceed to hearing.	7-0 P-A, Land
PCB 00-226	<u>Equilon Enterprises L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this air permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 01-38	<u>Equilon Enterprises L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this air permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 01-116	<u>Premcor Refining Group, Inc. v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	7-0 UST Appeal
PCB 02-172	<u>Reichhold Chemicals, Inc. (Corrective Actions Cost November 11, 1998 through November 26, 1999) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Fund
PCB 02-183	<u>Shearon, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this McHenry County facility.	7-0 UST Appeal
PCB 02-187	<u>UOP L.L.C. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air

PCB 02-188	<u>Smithfield Properties IV, L.L.C. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Appeal
PCB 02-189	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	7-0 UST Fund
PCB 02-190	<u>Mark IV Realty, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-0 Melas recused UST Appeal
PCB 02-193	<u>Illinois Valley Paving Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Scott County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 02-196	<u>Smoot Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Union County facility.	7-0 UST-FRD
PCB 02-208	<u>Brian Finley, Local 3315 of the American Federation of State, County, and Municipal Employees (Cook County Public Defenders Association) and named others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company, a/k/a IFCO Systems Chicago, Inc. and others</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, denied respondent’s motion to dismiss, and accepted for hearing this matter involving a Cook County facility.	7-0 Citizens A-E
PCB 02-225	<u>Janet Wagner v. Lisa Perenchio and Jim Weihsmantel</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, denied respondent’s motion to dismiss, and accepted for hearing this matter involving a Cook County facility.	7-0 Citizens N-E
PCB 03-5	<u>People of the State of Illinois v. Star Electronics, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	7-0 A-E
PCB 03-8	<u>Ralph Johnson Estate v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.	7-0 UST Appeal 90-Day Ext.

PCB 03-9	<u>Piasa Motor Fuels v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-10	<u>Ralph's Bonded Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hancock County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-11	<u>City of Carlyle v. IEPA</u> – The Board accepted this public water supply variance involving a Clinton County facility.	7-0 PWS-V
PCB 03-12	<u>People of the State of Illinois v. Riverstone Group, Inc.</u> – The Board accepted for hearing this water enforcement action involving a LaSalle County facility.	7-0 W-E
PCB 03-13	<u>People of the State of Illinois v. Chicago Diversified Projects, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	7-0 A-E

**August 22, 2002**  
**Chicago, Illinois**

**Administrative Citations**

AC 02-60	<u>IEPA v. Little Dozing Service, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Edgar County facility, the Board found respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondents to pay a civil penalty of \$3,000. The Board also dismissed the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and the petition for review.	7-0
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**Decisions**

PCB 96-256	<u>People of the State of Illinois v. Crier Development Company, and Bradley S. Cowell</u> – The Board granted complainant's motion to withdraw its request for attorney's fees. Having previously found that respondent violated Section 12(b) of the Act and 35 Ill. Adm. Code 309.202(a) (415 ILCS 5/12(b) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), the Board ordered the respondents to pay a total civil penalty of \$25,000 and to cease and desist from further violation of the Act.	6-1 Marovitz dissented W-E
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## Motions and Other Matters

PCB 96-143	<u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Carlyle Michel, and Ronnie Todd</u> – The Board denied respondent Todd’s motion to be dismissed from this enforcement action. Additionally, the Board ordered complainant to amend its complaint within 30 days to reflect the notice to respondents required under 35 Ill. Adm. Code 103.204(f). The Board granted complainant leave to include in the amended complaint any new allegations.	7-0 W-E
PCB 97-113	<u>People of the State of Illinois v. Homin Lee d/b/a Meisel Plating</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted complainant’s motion for leave to file its second amended complaint, but also directed complainant to file a third amended complaint, eliminating references to Section 302.208 of the Board’s regulations.	7-0 W-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, LLC, Murphy Farms, Inc. (a division of Murphy Brown, LLC and Smithfield Foods, Inc.)</u> - The Board ordered complainant to provide proof of notice to respondents required under 35 Ill. Adm. Code 103.204(f). Upon proof that respondents have been served, the Board referred complainant’s motion for leave to file an amended complaint to the hearing officer for disposition.	7-0 A-E
PCB 02-19	<u>ChemRex, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – The Board found complainant’s motion to strike objections to the request to admit facts to be moot and accepted complainant’s response to affirmative defenses.	7-0 W-E
PCB 02-171	<u>Reichhold Chemicals, Inc. (Corrective Actions Cost November 27, 1999 thru December 29, 2000) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST-FRD
PCB 02-202	<u>PM AG Products, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Pike County facility.	7-0 UST-FRD



PCB 02-204	<u>Illinois State Toll Highway Authority (ISTHA Maintenance Facility M-5; 1-90, Mile Post 11) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST-FRD
PCB 03-3	<u>Akzo Nobel Surface Chemistry L.L.C. v. IEPA</u> – The Board accepted for hearing this petition for variance from effluent limits involving a Grundy County facility.	7-0 W-V, NPDES
PCB 03-7	<u>Hurley Rulon, Carol Rulon, Frank Ewen, Janice Ewen, Jerome Hayn, Betty Hayn, John O. Schumann, Alice Schumann, Brenda Nord, Carl Nord, April Swan, Anthony Swan, Carol Adkins, Paul Adkins, and Paul Niebruegge v. Double D Gun Club</u> – The Board found that the alleged violations in the complaint were frivolous and dismissed this matter involving a Calhoun County facility.	7-0 Citizens L&W-E
PCB 03-14	<u>People of the State of Illinois v. Riba-Fairfield, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a Macon County facility.	7-0 RCRA-E
PCB 03-15	<u>Rash, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Gallatin County facility.	7-0 UST-FRD 90-Day Ext.
PCB 03-16	<u>King's 66 Service Station v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-17	<u>People of the State of Illinois v. Petroleum Fuel &amp; Terminal Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E

## New Cases

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### August 8, 2002 Board Meeting

**03-4** People of the State of Illinois v. Oak Terrace Sanitary System, Inc. – In this water enforcement action concerning a Christian County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002),

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accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.

**03-5** People of the State of Illinois v. Star Electronics, Inc. – The Board accepted for hearing this air enforcement action involving a Cook County facility.

**03-6** The City of Farmington, Farmington Sanitary District, and The Farmington Central Community Unit School District No. 265 v. IEPA – No action taken.

**03-7** Hurley Rulon, Carol Rulon, Frank Ewen, Janice Ewen, Jerome Hayn, Betty Hayn, John O. Schumann, Alice Schumann, Brenda Nord, Carl Nord, April Swan, Anthony Swan, Carol Adkins, Paul Adkins, and Paul Niebruegge v. Double D Gun Club – The Board held for a later duplicative /frivolous determination this citizen's land and water enforcement action involving a Calhoun County facility.

**03-8** Ralph Johnson Estate v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.

**03-9** Piasa Motor Fuels v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

**03-10** Ralph's Bonded Service v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hancock County facility.

**03-11** City of Carlyle v. IEPA – The Board accepted this public water supply variance involving a Clinton County facility.

**03-12** People of the State of Illinois v. Riverstone Group, Inc. – The Board accepted for hearing this water enforcement action involving a LaSalle County facility.

**03-13** People of the State of Illinois v. Chicago Diversified Projects, Inc. – The Board accepted for hearing this air enforcement action involving a Cook County facility.

**AC 03-1** IEPA v. Tony Luttrell – The Board accepted an administrative citation against this Clay County respondent.

**AC 03-2** IEPA v. Ed Heitz - The Board accepted an administrative citation against this McLean County respondent.

**AC 03-3** IEPA v. Rayetta Thompson – The Board accepted an administrative citation against this Union County respondent.

**AC 03-4** City of Chicago Department of Environment v. Mannion Plumbing, Inc. – The Board accepted an administrative citation against this Cook County respondent.

**AC 03-5** IEPA v. Loxley, Inc. – The Board accepted an administrative citation against this Cass County respondent.

**R 03-8** In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 – The Board reserved this docket for a future rulemaking to amend the Board's noise pollution control regulations.

### August 22, 2002 Board Meeting

**03-14** People of the State of Illinois v. Oak Terrace Sanitary System, Inc. – In this water enforcement action concerning a Christian County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.

**03-15** People of the State of Illinois v. Star Electronics, Inc. – The Board accepted for hearing this air enforcement action involving a Cook County facility.

**03-16** The City of Farmington, Farmington Sanitary District, and The Farmington Central Community Unit School District No. 265 v. IEPA – No action taken.

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**03-17** Hurley Rulon, Carol Rulon, Frank Ewen, Janice Ewen, Jerome Hayn, Betty Hayn, John O. Schumann, Alice Schumann, Brenda Nord, Carl Nord, April Swan, Anthony Swan, Carol Adkins, Paul Adkins, and Paul Niebruegge v. Double D Gun Club – The Board held for a later duplicative /frivolous determination this citizen’s land and water enforcement action involving a Calhoun County facility.

**AC 03-6** IEPA v. Edward Sapp – The Board accepted an administrative citation against this Logan County respondent.

**AC 03-7** IEPA v. Herb Flannel and Wallace Excavating Company – The Board accepted an administrative citation against these Moultrie County respondents.

**AC 03-8** IEPA v. Denny and Vicki Richey – The Board accepted an administrative citation against these Clark County respondents.

**R 03-9** In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 901 – The Board reserved this docket for a future rulemaking to amend the Board’s noise pollution control regulations.

## Calendar

9/4/2002 9:00 AM	PCB 01-153	City of Salem v. IEPA	Hearing Room 403 600 South Second Street Springfield
9/5/2002 11:00 AM		Illinois Pollution Control Board Meeting	VIDEOCONFERENCE—Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
9/5/2002 9:00 AM	PCB 01-153	City of Salem v. IEPA	Hearing Room 403 600 South Second Street Springfield
9/17/2002 9:00 AM	PCB 02-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Training Room 414 West Judd Street Woodstock
9/17/2002 10:00 AM	PCB 02-79	People of the State of Illinois v. Walter F. Deemie d/b/a/ River City Demolition	Hearing Room 403 600 South Second Street Springfield
9/18/2002 9:00 AM	PCB 02-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Training Room 414 West Judd Street Woodstock
9/19/2002 11:00 AM		Illinois Pollution Control Board Meeting	VIDEOCONFERENCE—Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
9/24/2002 10:00 AM	PCB 00-184	UAP Richter Company (McDonough County) (Property Identification No. 08-000-071-00) v. IEPA	Hearing Room 403 600 South Second Street Springfield
9/26/2002 10:00 AM	PCB 00-177	Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, Alvin W. Abbott, Kathy Abbott, Diana Collins and Dave Collins v. South Fork Gun Club	Christian County Courthouse Second Floor Board Room 101 Main Street Taylorville

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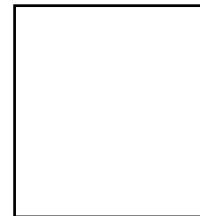
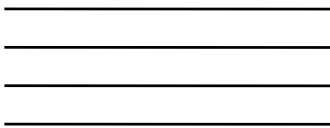
10/02/2002	PCB 02-21	People of the State of Illinois v. J. & F Hauling, Inc.	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
10/3/2002 11:00 AM		Illinois Pollution Control Board Meeting	Conference Room 403 600 South Second Street Springfield
10/07/2002	PCB 00-133	Giertych, Stoklosa et. al v. 4T's Management	James R. Thompson Center Conference Room 11-512 Chicago
10/11/2002	R 02-21	Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561	Illinois Industrial Commission 202 N.E. Madison Suite 201 Peoria
10/15/2002	PCB 00-160	ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA	Conference Room 403 600 South Second Street Springfield
10/17/2002 11:00 AM		Illinois Pollution Control Board Meeting	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
10/22/2002	PCB 02-51	IEPA v. Gerald Goines (Vienna/Goines, Gerald) IEPA Docket No. 94-02-AC	Conference Room 403 600 South Second Street Springfield
10/29/2002	PCB 02-40	IEPA v. Robert and John Gray d/b/a Gray's Material Service (Gilman/Gray's Material Service) IEPA Docket No. 52-02-AC	Iroquois County Courthouse Library Room 550 South Tenth Street Watseka
11/7/2002 11:00 AM		Illinois Pollution Control Board Meeting	VIDEOCONFERENCE—Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
11/21/2002 11:00 AM		Illinois Pollution Control Board Meeting	VIDEOCONFERENCE—Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
12/5/2002 11:00 AM		Illinois Pollution Control Board Meeting	Conference Room 403 600 South Second Street Springfield
12/19/2002 11:00 AM		Illinois Pollution Control Board Meeting	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago



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

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

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Environmental Register Coordinator  
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Springfield, Illinois 62704