

# ENVIRONMENTAL REGISTER

No. 495 Illinois Pollution Control Board News June-July, 1995

---

## **CHAIRMAN AND BOARD MEMBERS RECONFIRMED**

On May 16, 1995, Governor Jim Edgar announced the reappointments of Claire A. Manning as Chairman and Marili McFawn and Joseph Yi as Members to three-year terms commencing July 1, 1995. Senate confirmation of the reappointments occurred on May 26, 1995. The Board and staff congratulate Chairman Manning and Members McFawn and Yi on their reappointments.

Claire A. Manning became Chairman of the Board on May 1, 1993. Prior to chairing the Board, Ms. Manning served three terms as an appointed Member of the State Labor Relations Board and before that had served as Chief Labor Relations Counsel for the State of Illinois. Ms. Manning graduated from the Loyola University of Chicago School of Law in 1979. Chairman Manning, a resident of Williamsville, established a Springfield office for the Pollution Control Board near the capitol complex.

Marili McFawn was initially appointed to the Board on November 12, 1993. She is an attorney and was a partner in the law firm of Schiff, Hardin & Waite. Prior to that, Ms. McFawn worked as an attorney-assistant for the Board and as an enforcement staff attorney for the Illinois EPA. Ms. McFawn received her Juris Doctor in 1979 from the Loyola University School of Law in Chicago. Member McFawn is a resident of Inverness whose office is located in the James R. Thompson Center, in Chicago.

Governor Edgar initially appointed Joseph Yi to the Board on September 12, 1994. Mr. Yi is a retired Professional Engineer who graduated from the Illinois Institute of Technology. Mr. Yi formerly worked for the Illinois Department of Transportation, the City of Evanston, Illinois, Metcalf & Eddy, Inc., and was a partner in the engineering firm of Nakawatase, Rutkowski, Wyns & Yi, Inc. Member Yi is a resident of Park Ridge whose office is also located in the James R. Thompson Center.

## **POLLUTION CONTROL BOARD 25th ANNIVERSARY DINNER**

The Board is planning a dinner to celebrate the 25th year since passage of the Illinois Environmental Protection Act and creation of the Board. The event is scheduled for September 6, 1995 at the Hyatt Regency Hotel in Chicago. It commemorates the Board's twenty-five years of service and leadership in environmental regulation and adjudication and celebrates advances in environmental protection. The dinner is sponsored by the Board, in conjunction with the Chicago Bar Association and the Illinois State Bar Association, Environmental Law Section. The cost is \$40 per person or \$500 per table. All costs will be assumed by that charge. Any proceeds will go to the Irv Goodman Fund, an environmental educational fund run by the Chicago Bar Association in commemoration of deceased Board member Irv Goodman. The event will be co-chaired by current Board Chairman Claire Manning and the original Board Chairman, Professor David Currie. Please direct inquiries to Sandra Wiley, at 312-814-3623.

**RULEMAKING UPDATE****PART VII 15% ROP REGULATIONS ADOPTED, R94-33**

On May 4, 1995, the Board adopted Part VII of the 15 percent rate of progress (ROP) plan for volatile organic material emissions. This part, docketed as R94-33, was a segment of regulatory amendments necessitated by the federal Clean Air Act Amendments of 1990 (CAAA). Adoption of the Part VII ROP rules completed the last of the 15% ROP proceedings filed with the Board.

The CAAA requires a reduction in ozone precursor emissions in areas designated as moderate or severe nonattainment for ozone. In sum, the seven ROP plan segments sought a 15 percent 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas.

The Agency stated that the state is federally required to reduce VOM emissions by 250 tons per day (tpd) in the Chicago area and by 27 tpd in the Metro-East area.

The Board accepted the seven 15% ROP plan rulemaking proposals pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act (Act), which required the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacked any discretion under the statute to adjust these time-frames under any circumstances. Under Section 28.5(o), the Board must have adopted the proposal for Second Notice within 130 days on receipt of the proposal from the Agency. Section 28.5(p) required that the Board must adopt and file final rules based on the proposal within 21 days of when it receives a Certificate of No Objection from the Joint Committee on Administrative Rules (JCAR).

The Agency filed the Part VII ROP proposal on November 14, 1994. On November 18, 1994, the Board proposed the Part VII ROP amendments for First Notice publication in the Illinois Register and conducted one public hearing in R94-33 on January 4, 1995. The hearing officer cancelled subsequent scheduled hearings for the statutorily-prescribed reasons due to the low level of public interest in further hearings on the proposal. Notices of Proposed Amendments appeared in the December 16, 1994 Illinois Register. The First Notice public comment period ended after 45 days, on January 30, 1995. On March 16, 1995, the Board proposed the Part VII amendments for Second Notice review by JCAR. JCAR considered the amendments and voted no

objection on April 18, 1995. The Board filed the amendments with the Secretary of State and they became effective on May 22, 1995. The amendments appeared in the June 2, 1995 Illinois Register. Direct questions on the Part VII amendments to Audrey Lozuk, at 312-814-6923. Please refer to docket R94-33.

The Board has now completed all seven segments of the Illinois 15% ROP plan. The seven parts of the Illinois ROP plan and their respective dates of adoption and effective dates are described as follows:

**Part I 15% ROP Amendments, R94-12**

The Board adopted the Part I ROP amendments on September 15, 1994, under docket number R94-12. The Part I amendments required the use of pressure-vacuum relief valves on vent tubes at gasoline dispensing operations in both the Chicago and Metro-East areas and a lowering of the Reid vapor pressure (RVP) on gasoline from 9.0 psi to 7.2 psi in the Metro-East area. The vacuum-pressure relief aspects of these amendments were anticipated to reduce emissions by 4 tpd in the Chicago area and by 0.4 tpd in the Metro-East area. The use of 7.2 RVP fuel was expected to reduce emissions 8.5 tpd in the Metro-East St. Louis area. The Part I 15% ROP amendments were filed with the Secretary of State and became effective on September 21, 1994.

**Part II 15% ROP Amendments, R94-15**

The Board adopted the Part II amendments on October 20, 1994, under docket number R94-15. The Part II amendments extended VOM emissions control measures to the loading of marine vessels and deletion of the exemption for barge loading from the regulations applicable to "Miscellaneous Fabricated Product Manufacturing Processes", "Miscellaneous Formulated Manufacturing Processes", "Miscellaneous Organic Chemical Manufacturing Processes", and "Other Emissions Units" source categories. The Part II amendments was expected to reduce the VOM emissions by 1.3 tpd in the Chicago area and by 11.82 tpd in the Metro-East area. The Part II 15% ROP amendments were filed with the Secretary of State and became effective on October 25, 1994.

**Part III 15% ROP Amendments, R94-16**

The Board adopted the Part III ROP amendments on October 20, 1994, under docket number R94-16. The Part III amendments made the standards of Parts 218 and 219, Subpart B, "Organic Emissions from Storage and Loading Operations", and Subpart V,

"Total Resource Effectiveness" (TRE), more stringent. The Part III plan rules added the federal Control Technology Guidelines (CTG) and Alternative Control Technology (ACT) recommended controls for volatile organic liquids (VOLs) and volatile petroleum liquids (VPLs). It was anticipated that the TRE amendments would reduce VOM emissions by 4.05 tpd in the metropolitan Chicago area by 1996 and by an additional 1.58 tpd by 1999. The VOL/VPL amendments were expected to reduce the VOM emissions by 2.18 tpd in the Chicago area. No reductions were anticipated in the Metro-East area. The Part III 15% ROP amendments were filed with the Secretary of State and became effective on November 15, 1994.

#### Part IV 15% ROP Amendments, R94-21

The Board adopted the Part IV ROP amendments on April 20, 1995, under docket number R94-21. The Part IV amendments lowered the VOM content of coatings for several categories of surface coaters: the can, paper, coil, fabric, vinyl, metal furniture, baked large appliance, and miscellaneous parts and products coating categories. The Part IV amendments also imposed reductions in VOM emissions from sources in the automotive/transportation and business machine plastic parts coating categories that exceed specified emissions levels. The amendments further made the VOM emissions limits applicable to wood furniture coating operations at a lowered threshold. The Part IV amendments also required specified controls on synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes and on bakery industry ovens. Finally, the amendments made a number of minor amendments and corrections to the regulations, largely in response to comments submitted by U.S. EPA and affected entities. The Part IV 15% ROP amendments were filed with the Secretary of State and became effective on May 9, 1995.

(Editor's note: P.A. 89-79, effective June 30, 1995, added Section 10(G) to the Act, which expressly supersedes those segments of Part IV ROP that deal with bakery ovens.)

#### Part V 15% ROP Amendments, R94-31

On April 20, 1995, the Board adopted the Part V 15% ROP amendments, under docket number R94-31. The Part V amendments lowered the VOM emissions from lithographic printing operations in the Chicago and Metro-East areas. The Part V amendments added definitions of non-heatset and sheet-fed lithographic printing, as-applied foundation

solution, and alcohol. The amendments further established control measures for VOM emissions from lithographic printers in the Chicago and Metro-East areas. The Part V amendments also made minor corrective amendments to the existing regulations. The Part V amendments were expected to affect about 113 facilities in the Chicago area and one source in the Metro-East area. It was estimated that the Part V amendments would reduce VOM emissions by 4.0 tpd in the Chicago area and by minimal amounts in the Metro-East area. The Part V 15% ROP amendments were filed with the Secretary of State and became effective on May 9, 1995.

#### Part VI 15% ROP Amendments, R94-32

On April 20, 1995, the Board adopted the Part V 15% ROP amendments, under docket number R94-32. The Part VI amendments lowered VOM emissions from motor vehicle refinishing operations in the Chicago and Metro-East areas. The Part VI amendments imposed limitations on the VOM content of coatings and surface preparation materials, required the use of specific coatings applicators and applicator cleaning equipment, and provided a control equipment alternative. The Part VI amendments further imposed recordkeeping and reporting requirements on refinishers. The Agency stated that the Part VI amendments would reduce VOM emissions by 16.3 tpd in the Chicago area. The Agency estimate of reduction of VOM emissions in the Metro-East area was 1.2 tpd.

#### Part VII 15% ROP Amendments, R94-33

The Board adopted the Part VII 15% ROP amendments on May 4, 1995, under docket number R94-33.

The Part VII amendments lowered VOM emissions from batch chemical processes having certain standard industrial classifications (SIC) codes in the Chicago and Metro-East areas. The SIC codes involved were 2821, 2833, 2834, 2861, 2865, 2869, and 2879. This included a broad range of chemical manufacturing activities: plastic materials and resins (SIC 2821), medicinal chemicals and botanical production (SIC 2833), pharmaceutical operations (SIC 2834), gum and wood chemicals (SIC 2861), cyclic crudes and intermediates (SIC 2865), industrial organic chemicals (SIC 2869), and agricultural chemicals (SIC 2879).

The Part VII amendments also regulated emissions from Stepan Chemical Company's Millsdale facility, in Elwood. The amendments further added definitions for "batch process train", "batch operation", "process vent", and "single unit operation". Anticipated VOM emissions reductions through the Part VII amendments were 12.63 tpd in the Chicago area and 0.36 tpd in the

Metro-East area.

Request copies of any of the Board's actions on these amendments from Victoria Agyeman, at 312-814-3620. Please refer to the appropriate docket number.

**CONSOLIDATED RCRA AND UIC UPDATE ADOPTED, R95-4/R95-6**

On June 15, 1995, the Board adopted identical-in-substance amendments to the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) regulations. On June 15, 1995, the Board adopted a supplemental opinion and order to correct the amendments based on comments from the U.S. Environmental Protection Agency prior to filing them.

The consolidated RCRA Subtitle C and UIC dockets correspond with U.S. EPA revisions to the two federal programs made during the period July 1 through December 31, 1994. The Board also included corrective amendments made by U.S. EPA on January 3, 1995. The Board consolidated the amendments for the two programs into a single action for the sake of promptly acting on all the amendments and because many of the amendments to the UIC program were closely related to some of the RCRA Subtitle C amendments. The Board had received a request from the regulated community that it expedite adoption of some of the RCRA Subtitle C amendments relating to land disposal of hazardous waste. The UIC amendments are proceeding under docket number R95-4; the RCRA Subtitle C amendments bear the docket number R95-6.

During the update period, U.S. EPA undertook several actions. On July 28, 1994, U.S. EPA excluded certain in-process recycled secondary materials used by the petroleum refining industry from the definition of solid waste. On August 24, 1994, it withdrew an exemption from Subtitle C regulation for certain slag residues from high temperature metal recovery (HTMR) processes that are used in a manner constituting disposal. On September 19, U.S. EPA restored text inadvertently omitted from amendments it undertook on August 31, 1993 (updating chemical test methods). Other amendments made by U.S. EPA on September 19, 1994 included the Phase II land disposal restrictions (LDRs), also called the "universal treatment standards". The Phase II LDRs affected the UIC program. U.S. EPA promulgated organic material emissions standards for hazardous waste tanks, surface impoundments, and containers on December 6, 1994. Finally, on January 3, 1995,

U.S. EPA made corrective amendments to the September 19, 1994 Phase II LDRs.

The Board adopted all the necessary amendments to update the Illinois RCRA Subtitle C and UIC programs to include the federal amendments described. The Board further included a number of corrective and conforming amendments to both programs. Included in the amendments were the repeal of Part 700, which formerly set forth the general provisions for all of the land pollution control regulations, and the update of the tables of hazardous waste delistings to include a recent delisting granted Envirite Corporation on December 14, 1994, under docket number AS 94-10.

The adopted rules were filed with the Secretary of State and became effective on June 27, 1995, and the Notice of Adopted amendments appeared in the July 14, 1995 issue of the Illinois Register. The adopted amendments were based on a proposal for public comment adopted by the Board on March 2, 1995 and published in the Illinois Register on March 24, 1995.

Direct questions to Michael J. McCambridge, at 312-814-6924. Request copies of the proposed amendments from Victoria Agyeman, at 312-814-6920. Please refer to consolidated docket R95-4/R95-6.

**CONSOLIDATED SDWA UPDATE AMENDMENTS ADOPTED, R94-23/R95-3**

On June 15, 1995, in consolidated docket R94-23/R95-3, the Board adopted amendments to the Illinois Safe Drinking Water Act (SDWA) program regulations to correspond with federal amendments that occurred in the periods January 1 through June 30, 1994 and July 1 through December 31, 1994. Docket number R94-23 applies to the period up to June 30, 1994, and docket number R95-3 applies to the period beginning July 1. The Board consolidated the two sets of amendments because some of the R95-3 amendments directly affected the disposition of many of the earlier R94-23 amendments.

U.S. EPA amended the federal regulations on June 30, 1994, to correct certain segments of the lead and copper rules. Among the federal corrections and clarifications were amendments related to the monitoring and chemical analytical requirements. On July 1, 1994, U.S. EPA similarly corrected errors in the unregulated contaminant monitoring requirements and the Phase II, Phase IIB, and Phase V regulations.

On December 5, 1994, U.S. EPA consolidated nearly all of the inorganic chemical analytical requirements

into a single table, updating all of the methods to later versions of the available references. Some of the later actions relating to chemical analytical methods affected the earlier amendments. Finally, the Board proposed amendment of the regulations to note a recent federal case, *American Water Works Association v. EPA*, 40 F.3d 1266 (D.C. Cir. 1994), which invalidated the federal regulation underlying a segment of the Illinois regulations.

The adopted rules were filed with the Secretary of State and became effective on June 20, 1995, and the Notice of Adopted amendments appeared in the June 30, 1995 issue of the Illinois Register. The adopted amendments were based on a proposal for public comment adopted by the Board on March 16, 1995 and published in the Illinois Register on March 31, 1995.

Direct questions to Michael J. McCambridge, at 312-814-6924. Request copies of the proposed amendments from Victoria Agyeman, at 312-814-6920. Please refer to consolidated docket R94-23/R95-3.

#### **DEADLINE EXTENDED AND ONE PRETREATMENT UPDATE PROPOSED, ANOTHER DISMISSED, R94-10**

On May 18, 1995, the Board adopted update amendments to the wastewater pretreatment regulations. The amendments, adopted under docket R94-10, are based on revisions to the federal regulations that occurred in the period July 1 through December 31, 1993. During this time, U.S. EPA undertook four actions, on July 9, August 25, and September 15, and 28, 1993. The Board issued a separate order on February 16 explaining the delay and extending the deadline to complete R94-10 to June 15, 1995.

The July 9, 1993 federal amendments reimposed limitations on 11 of 13 chemicals previously withdrawn as a result of litigation in *Chemical Manufacturers Assoc. v. EPA*, 870 F.2d 177 (5th Cir. 1989). The September 28, 1993 federal amendments added discharge limitations for organic and organo-metallic pesticides in the Pesticide Chemicals Category. The Board based amendments on both sets of federal amendments. The Board determined, however, that no amendments were necessary based on the other two sets of amendments, jointly promulgated by U.S. EPA and the U.S. Army Corps of Engineers on August 25 and September 9, 1993, relating to the discharge of dredged materials. Those

amendments did not affect the wastewater pretreatment regulations.

On February 16, 1995, the Board proposed the amendments for public comment. Direct questions to Diane F. O'Neill, at 312-814-6062. Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620. Please refer to docket number R94-10.

#### **EXEMPTION FROM LANDFILL REQUIREMENTS PROPOSED FOR DISPOSAL OF DEAD ANIMALS, R95-9**

On May 18, 1995, the Board proposed amendments to the Illinois landfill regulations relating to the disposal of dead animals in Illinois. The amendments would clarify the relationship between the Illinois landfill regulations and the Illinois Dead Animal Act (225 ILCS 610/1). To this end, the amendments would add a definition of "dead animal disposal site" and exclude such a site from regulation as a municipal solid waste landfill (MSWLF) by excluding it from the definition of a MSWLF. MSWLFs are subject to regulation under the federal RCRA Subtitle D rules and the Illinois landfill rules.

The Illinois Farm Bureau, Illinois Beef Association, Illinois Lamb and Wool Producers, Inc., Illinois Milk Producers Association, and Illinois Pork Producers Association filed a petition on February 2, 1995. The Board accepted the petition on February 16, and conducted public hearings on April 3, in DeKalb, and April 10, in Springfield. Direct questions to Audrey Lozuk-Lawless, at 312-814-6923. Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620. Please refer to docket R95-9.

### DELAYED EFFECTIVE DATE FOR LANDFILL FINANCIAL ASSURANCE PROPOSED, R95-13

The Board proposed a delayed effective date for the financial assurance requirements applicable to municipal solid waste landfills (MSWLFs) on May 4, 1995. This identical-in-substance action, under docket R95-13, was prompted by the April 7, 1995 action by U.S. EPA to delay the effective date for financial assurance for RCRA Subtitle D facilities by two years, from April 9, 1995 to April 9, 1997. U.S. EPA stated that it needed the additional time to perfect financial assurance mechanisms for local government and corporate self-assurance for MSWLFs. A Notice of Proposed Amendments appeared in the Illinois Register on May 19, 1995, beginning the 45-day public comment period. Direct questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620. Please refer to docket R95-13.

(Editor's note: Section 21.1 of the Act has long required that owners or operators of landfills maintain financial assurance for closure and post-closure care of their facilities, except that Section 21.1 exempted state and local government-owned facilities from this requirement. With the advent of the federal RCRA Subtitle D requirements in 40 CFR 258, which exempt only federally- and state-owned landfills, the General Assembly amended Section 21.1 to require financial assurance for the local government-owned facilities after April 9, 1995. By SB 629, currently on the Governor's desk, the General Assembly has amended Section 21.1 to require financial assurance of local government MSWLFs on the effective date of the federal requirements. The Board will delay adoption of the amendments until Governor Edgar acts on the legislation.)

### BOARD REOPENS WATER AMENDMENTS RECORD FOR COMMENT ON A PROPOSED AGENCY CORRECTION, R94-1

On June 15, 1995, the Board reopened the record in the water quality amendments proceeding, R94-1, to obtain public comment on an Illinois EPA (Agency)-suggested correction to the text. The Agency filed a motion on June 1, 1995 requesting that the Board correct a typographical error in the text of the proposed amendments. The correction would change "and" to "or" in Section 302.213(a), which sets forth the criteria by which the Agency would determine that a body of water is an "effluent modified water." The

revision would allow the Agency to make this determination if any of three conditions are true of the body, rather than if the water meets all three conditions. The Board ordered the submission of comments on the correction prior to July 7, 1995 and gave the Agency until July 14 to respond to the comments.

The Agency submitted the petition to amend the water quality regulations on February 24, 1994. The Illinois EPA (Agency) proposal proceeded from a mandatory, triennial review of the Illinois stream water quality regulations required under the federal Clean Water Act (33 U.S.C. §§ 1251 et seq.). It would amend Parts 302 and 304 of the Water Pollution Control regulations to revise the standards for ammonia nitrogen, mercury, and lead general water quality standards; secondary contact and indigenous aquatic life standards; and other regulations. The Board accepted the petition as federally required, under Section 28.2 of the Act, on May 5, 1994 and proposed the R94-1 water quality amendments for First Notice publication in the Illinois Register on September 15. The proposed amendments would amend certain of the water quality regulations by updating various standards for ammonia nitrogen, lead, and mercury. The Board conducted three public hearings on the proposed amendments in November and January in Springfield and Chicago.

With the record complete and the 45-day public comment period expired, the Board will be free to proceed to propose the amendments for Second Notice review by the joint Committee on Administrative after it resolves the recently-proposed correction to the text.

Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R94-1.

### SITE-SPECIFIC CYANIDE PETITION ACCEPTED, R95-14

On May 4, 1995, the Board accepted a petition for a site-specific cyanide water quality rule for certain discharges of the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for hearing.

The proposal would have the Board amend the water pollution control regulations to change the general use chronic water quality standard for weak-acid soluble cyanide (WAD) from 5.2 $\mu$ g/l to 10.0 $\mu$ g/l in certain waters in Cook County. The Board concluded that the petition met the informational requirements of the procedural rules and waived the 200-person signature requirement.

In filing the petition, MWRDGC noted that the 5.2

µg/l WAD cyanide standard of Section 302.208(d), adopted January 21, 1990 in R88-21, was predicated on chronic toxicity to rainbow trout, which are not indigenous to the affected waters: the West Branch of the DuPage River, Higgins Creek, Salt Creek, and the Des Plaines River (Cook County segment only). It further contends that WAD cyanide does not accurately indicate the level of toxic cyanide in the water. The MWRDGC seeks an alternative, site-specific WAD cyanide standard of 10.0 µg/l for the affected streams. The MWRDGC has three wastewater treatment plants that discharge to these waters. Its hanover park plant discharges 8.9 million gallons per day (MGD) to the DuPage River, its John E. Egan plant discharges 24.5 MGD to Salt Creek, and its James c. Kirie plant discharges 31.8 MGD to Higgins Creek.

The Board has scheduled a public hearing on the R95-14 proposal:

Friday, June 30, 1995  
Metropolitan Water Reclamation District of Greater Chicago  
Board Room  
100 East Erie Street  
Chicago

Direct questions to Musette H. Vogel, at 217-524-8509. Please refer to docket R95-14.

**SITE-SPECIFIC CARBON MONOXIDE PETITION ACCEPTED, R95-15**

On June 15, 1995, the Board accepted a petition for a site-specific carbon monoxide rule for certain emissions of the Marathon Oil Company for hearing. The proposal would have the Board amend the air pollution control regulations to change the carbon monoxide emissions limitation applicable to its fluidized catalytic cracking unit in Crawford County from 200 parts per million (ppm) to 350 ppm. The Board concluded that the petition met the informational requirements of the procedural rules and waived the 200-person signature requirement.

Direct questions to Charles M. Feinen, at 312-814-3473. Please refer to docket R95-15.

**IDENTICAL-IN-SUBSTANCE DOCKETS RESERVED, R95-16 THROUGH R95-22**

On June 15, 1995, the Board reserved a docket for each of the identical-in-substance programs, to accommodate federal amendments that occurred in the period January 1 through June 30, 1995. The dockets

reserved and the subject matter of each are as follows:

- R95-16 Amendments to the Definition of VOM
- R95-17 SDWA (drinking water) Amendments
- R95-18 UIC (underground injection control) Amendments
- R95-19 RCRA Subtitle D (municipal solid waste landfill) Amendments
- R95-20 RCRA Subtitle C (hazardous waste) Amendments
- R95-21 UST (underground storage tank) Amendments
- R95-22 Wastewater Pretreatment Amendments

The Board bears responsibility under a handful of mandates in the Environmental Protection Act to adopt regulations that are identical in substance with certain federal regulations. The Act allows the Board to consolidate federal amendments into a single docket including amendments from any single six-month period. Twice each year, around January and July, the Board routinely reserves dockets under each of the mandates for any federal amendments that may have occurred during the period.

Once the Board has verified whether action is necessary in each of the dockets, it either proposes amendments for public comment or dismisses the proceeding, as appropriate. However, the Board has commenced action early in some instances upon receipt of a written request to expedite its rulemaking. For example, the Board has already proposed amendments to the Illinois definition of volatile organic material (VOM), in docket R95-16 on July 7, 1995, as a result of a federal action of June 16, 1995. Similarly, the Board proposed changing the deadline for landfill financial assurance in docket R95-13 on May 4, 1995 as a result of a corresponding federal revision on April 7, 1995. In R95-13, the Board acted promptly without waiting for the opening of the R95-19 routine, RCRA Subtitle D update. (See accompanying item.) Direct inquiries to Michael J. McCambridge at 312-814-6924.

**APPELLATE UPDATE**

**SECOND DISTRICT AFFIRMS THAT SKEET SHOOTING IS EXEMPT FROM BOARD NOISE REGULATIONS, SECTION 24 DOES NOT CREATE AN INDEPENDENT CAUSE OF ACTION**

In the recent decision of Shepard v. PCB (2d Dist. May 4, 1995), No. 2-94-0864, the Second District

Appellate court affirmed the Board's decision in *Shepard v. Northbrook Sports Club* (May 5, 1994), PCB 94-2. The court agreed with the Board that the skeet and trap shooting involved in the complaint was exempt from Board noise regulation. It further agreed that Section 25 of the Act did not create an independent cause of action. The Second District upheld the Board's decision against constitutional attack and held that the Board had properly dismissed the complaint.

The Northbrook Sports Club moved to an area within the Village of Hainesville in 1987 and established skeet and trap shooting at that location. The complainants, local residents, filed a complaint against the Sports Club and the Village of Hainesville, alleging that the shooting interfered with their enjoyment of their homes and recreational activities and depressed the values of their properties. They sought a cease and desist order from the Board to stop the shooting activity. The Sports Club sought dismissal on the basis that it was exempt from Board noise regulation under Section 3.25, as an "organized amateur or professional sporting activity". The Village sought dismissal on the basis that it had no ownership interest in the Sports Club property. The Board granted dismissal as to both respondents, and the complainants appealed.

The Second District first considered whether Section 24 creates a distinct cause of action. It compared the similar language of Section 24 with that of Section 9(a), which pertains to air pollution. It noted that Section 9(a) uses the disjunctive--i.e., it creates a cause of action for air pollution or for violation of Board air regulations--whereas Section 24 creates a cause of action only for violating Board noise regulations. The court agreed with the Board's determination that Section 24 could not be applied to create a cause of action for "nuisance noise" pollution apart from Board regulations.

The court then addressed the issue of whether the complained-of activities of the Northbrook Sports Club were exempted from Board regulation. Citing *Hinsdale Golf Club v. Kochanski* (2d Dist 1990), 197 Ill. App. 3d 634, 555 N.E.2d 31, it followed the holding of that case and held that the Section 900.102 prohibition of "nuisance noise" pollution was subject to the Sections 3.25 and 25 exemption for an organized amateur or professional sporting activity. In response to the argument that the exemption did not apply because the Sports Club was not "in existence" at its present location in 1975, the court upheld the Board's conclusion that shifting locations in 1987 did

not prevent it from being exempt from regulation. Further, the court concluded, based on the Hinsdale Golf Club decision, application of the specific examples of activities in Section 3.25 was the more appropriate interpretation of the exemption than determining whether the Sports Club's shooting strictly fulfilled each qualifying element set forth in the statute. Finally, the Second District refused to read into Sections 3.25 and 25 a requirement that the Sports Club make a specific reference to shooting activities in its articles of incorporation to qualify for the exemption.

The court denied the complainants' contention that the Board improperly imposed the burden of proving the inapplicability of the exemption on them. The court found that the fact that the Board did not find their arguments persuasive did not indicate that the Board had imposed the burden on the complainants. The Second District found that the Board's conclusions on the exemption were amply supported by the record and upheld them.

Finally, the Second District upheld Sections 3.25 and 25 of the Act against constitutional attack. First, the complainants argued that a 1981 amendment to Section 25, which removed the former pre-1975 qualification for existence of the club, was an impermissible retroactive law. Finding that the complainants had no vested interest in the continuation of the statute in its pre-amendment form, the court rejected this attack. Second, the Second District disagreed with the argument that the Section 25 exemption was impermissible special legislation, conferring a privilege or benefit on one group to the exclusion of others similarly situated and discriminating in favor of a select group without a reasonable basis. The court held that the Section 25 exemption was general legislation that applies to all persons similarly situated. The Second District rejected the argument that the Section 25 was invalid because there was no compelling state interest behind it. The court observed that the "rational basis" test was the appropriate test where there was no suspect classification or a fundamental right involved. It further observed that the complainants had failed to demonstrate that the exemption was arbitrary or unreasonable.

The Second District refused to reach the merits of an attack on the constitutionality of a recent amendments to Section 3.25, in P.A. 88-598, because it did not base any segment of its decision on those amendments.

As to the applicability of the exemption to the

Village, the Second District held that it was not responsible for the shooting noise. The Village maintained that it had no ownership interest in the Club, and although the complainants alleged that the Village actively participated and was a beneficiary of the shooting, court noted that they offered no evidence to this effect. The fact that the Village had helped set up the Sports Club facilities, in the opinion of the court, did not establish that the Village was responsible for the noise.

(Editor's Note: The Second District denied a petition for rehearing in this case.)

#### **FIRST DISTRICT DISMISSES APPEAL FOR FAILURE TO NAME THE BOARD**

By a summary order dated June 23, 1995, the Appellate Court for the First District dismissed the appeal in *Marathon Oil Company v. PCB* (1st Dist. June 23, 1995), No. 1-95-0701, because the appellant had failed to name the Board in its petition for review.

The decision on review was the December 14, 1994 decision in PCB 94-237, *Marathon Oil Company v. IEPA*, where the Board affirmed the Agency's denial of reimbursement for \$93,911.80 in costs in this underground storage tank reimbursement determination appeal involving a Cook County facility. In making its decision, the First District cited *McGaughy v. Illinois Human Rights Commission* (Mar. 23, 1995), Nos. 75571 & 75917, a decision not involving the Board or environmental matters in which the Illinois Supreme Court held that a failure to name the agency and all parties of record below would require dismissal of an appeal pursuant to Supreme Court Rule 335.

#### **FIRST DISTRICT AFFIRMS BOARD WASTE-TO-ENERGY FACILITY SITING DECISION AFFIRMING LOCAL SITING APPROVAL**

In *Turlek v. PCB* (1st Dist. June 26, 1995), No. 1-94-2829, the First District Appellate Court recently affirmed a Board decision involving the local siting approval of a proposed pollution control facility in suburban Cook County. That was an appeal from the May 5, 1994 decision in the consolidated cases PCB 94-19, *Michael Turlek, Lillian Smejkal and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc.*; PCB 94-21, *Kay Kaluga and Alice Zeman v. Village of Summit and West Suburban Recycling and Energy Center, Inc.*; and PCB 94-22, *Citizens for a Better Environment, Patricia J. Bartleman, Nancy Katz and Michelle Schmits v. Village of Summit and West Suburban Recycling and Energy Center, Inc.*, in which the Board had affirmed the local siting approval granted by the Village of Summit for a proposed waste-to-energy plant. The Board had found that the Village of Summit had jurisdiction to grant the local siting approval, the Village did not err in determining that the proposed incinerator was necessary to meet the waste disposal needs of its intended service area, and that the facility would meet Illinois EPA (Agency) flood-proofing requirements.

*West Suburban Recycling and Energy Center, Inc. (WSREC)* filed an application for siting of a municipal waste-to-energy facility with the Village of Summit in 1992. After conducting public hearings on the application, the Village granted siting approval. In February of 1993, the Board reversed Summit's siting approval, in the consolidated cases of PCB 92-174, *Alice Zeman, et al., v. Village of Summit and West Suburban, Recycling and Energy Center, Inc.*, PCB 92-177, *Donna Quilty v. Village of Summit and West Suburban Recycling and Energy Center* (Feb. 25, 1992), and remanded the proceeding to the Village on the grounds that Summit had failed to make WSREC's application available to the public. In remanding, the Board allowed WSREC to reinstate its application without further amendment within 35 days. WSREC appealed the Board's decision to the First District and filed a motion with the Board to stay the remand order pending the court's ruling. The Board denied the motion to stay.

On June 8, 1993, WSREC mailed legal notices to property owners indicating its intent to file a new application for siting approval for a larger, substantially similar facility to be located on the same

property. The First District dismissed WSREC's 1993 appeal in West Suburban Recycling and Energy Center, Inc. (1st Dist. June 14, 1993), No. 1-93-1070, on June 14, 1993 for lack of jurisdiction, finding that the Board's February order was not final.

Later in June, WSREC filed its new application for the larger facility. The Village held public hearings on the new application and granted siting approval in December, 1993. The petitioners appealed this second local siting approval to the Board, and the Board affirmed the approval. The petitioners filed a motion for reconsideration, which the Board denied, then filed the appeal which was the subject of the instant First District decision.

The court first addressed whether Summit lacked jurisdiction to entertain WSREC's second application for siting approval. The challengers to the approval argued that Section 39.2 prohibits an applicant from filing a request for siting approval that is substantially the same as one filed within the preceding two years and denied based on one of the nine substantive statutory criteria. The court held that this provision did not preclude the filing here because a) WSREC's first application for siting approval was granted by the Village, not denied, and b) the Board's reversal was on procedural grounds, rather than on any failure to meet one of the nine statutory criteria. The appellate court further questioned whether the two siting applications were substantially similar, since the second facility proposed was significantly larger than the first. The appellate court also rejected the argument that local authorities cannot have simultaneous jurisdiction over two applications for the same site from the same applicant, finding no prohibition in the statute against an applicant filing concurrent applications.

The court next rejected the challengers' arguments that the Board erred in affirming the Village's finding that the proposed facility was necessary to meet the needs of its intended service area. The main basis for this argument was that Summit failed to include two of the five reports that supported the need criterion determination when it submitted the record of the proceedings to the Board. The Board had held that there was sufficient evidence in the record to support the Village's decision exclusive of the two missing studies. On appeal, the First District affirmed, holding that there was adequate support in the record for the Board's decision on this criterion because the missing reports were largely duplicative of the others submitted with the record and because those included with the record supported the Village's determination

that the proposed facility was necessary to serve the needs of the service area.

The First District also rejected arguments that the Village's substantive determination that the proposed facility was necessary to meet the needs of its intended service area was flawed. First, the challengers contended that the Village should have relied on a 1993 study of remaining landfill capacity, rather than on the 1991 study that it did rely upon. The court pointed out that the difference in lifespans listed in the two reports was approximately 30 days, so the Village had an accurate picture of the intended service area's waste disposal needs. Second, the court rejected the challengers' argument that the Village did not consider the implications of recycling and other alternative waste disposal means; it found that the record indicated that two environmental experts testified to these issues at the Village's public hearing and that Summit had adequately addressed this issue in its written decision granting the local siting approval.

The petitioners final contention on the need criterion was that without the Illinois Retail Rate Law (220 ILCS 5/8-403.1) the facility would not be profitable. The court rejected this argument, stating that profitability is not indispensable to a finding of necessity.

The challengers next attacked the Board's affirmance of the Village's decision on the Section 39.2 requirement that the site be located outside 100-year floodplains or be flood-proofed. They argued that a portion of the facility was proposed to be located within a 100-year floodplain and WSREC had failed to show that the site was flood-proofed. The court rejected this argument, finding that the Village based its determination that the site was designed to be flood-proofed on evidence in the record. The court held that the flood criterion is satisfied when the local siting authority determines that a facility is designed to be flood-proofed and a flood-proofing requirement is made a precondition of the ultimate site suitability.

Finally, the First District rejected the challengers' argument that the Board used an incorrect standard in denying their motion for reconsideration by limiting its consideration to newly discovered evidence, intervening changes in law, or errors in the application of the law. The court observed that the Board had stated more broadly in denying reconsideration that the challengers had failed to assert any reason to support a finding of error. The court held that this made it clear that the Board applied the correct standard of review.

**FIFTH DISTRICT DISMISSES APPEAL OF BOARD DECISION FOR LACK OF JURISDICTION**

In *Concerned Citizens of Williamson County v. PCB* (May 31, 1995), No. 5-95-0250, by a summary order, the Appellate Court for the Fifth District dismissed an appeal of a Board decision for lack of jurisdiction. That was an appeal of the Board's decision in PCB 94-262, *Concerned Citizens of Williamson County v. Bill Kibler Development Corp.*, a local siting approval appeal involving a proposed Williamson County regional pollution control facility (landfill). The Board had found that the procedures used by the Williamson County Board were fundamentally unfair and reversed the August 23, 1994 grant of and remanded the matter to the Williamson County Board. The motion to dismiss filed with the Fifth District argued that the court lacked jurisdiction because the Board remanded the matter to the county board.

**FOR YOUR INFORMATION**

**BOARD REVISES DOCKET NUMBERING SYSTEM EFFECTIVE IN JULY**

The Board is revising ITS docket numbering system effective July 1, 1995. In the past, the Board numbered its dockets serially, in the order in which they were filed, beginning on January 1 each calendar year. On July 1, the Board will begin numbering its dockets serially, in the order in which they are filed, but on a State of Illinois fiscal year basis. The State's fiscal year 1996 began on July 1, 1995. Thus, the first contested case filed after July 1 will bear the docket number PCB 96-1, adjusted standard the number AS 96-1, rulemaking R96-1, and administrative citation AC 96-1.

**BOARD DETERMINES THAT LOCAL SITING APPROVALS ARE NOT TRANSFERRABLE**

The Board recently determined that a local approval for the siting of a pollution control facility is not transferrable to a subsequent site owner, in *Medical Disposal Services, Inc. v. EPA* (May 4, 1995), PCB 95-75 & PCB 95-76 (consolidated). The case was an appeal of Illinois EPA (Agency) denials of permit applications for a proposed medical waste incinerator. By the decision, the Board granted summary judgment in favor of the Agency and dismissed the appeals

The prior owner had obtained local siting approval from the City of Harvey for a proposed medical waste incinerator to be located within its jurisdiction. The permit applicant acquired the site from the prior owner, then applied for permits to construct the facility. The Agency denied the permits, citing the lack of prior siting approval under Section 39.2 of the Act as the sole basis for the denials. The permit applicant appealed the Agency denials to the Board. On appeal to the Board, the parties filed cross-motions for summary judgment. The Board granted summary judgment in favor of the Agency and denied summary judgment in favor of the permit applicant. The Board examined the Act and relevant case law and determined that because the local siting approval process considers factors unique to the applicant for approval, a local siting approval is not transferrable. Board Members J. Theodore Meyer and Emmett E. Dunham dissented.

**ILLINOIS EPA HOLDS PUBLIC HEARINGS ON THE BUREAU OF WATER PROGRAM PLAN**

The Illinois EPA (Agency) has scheduled public hearings and will accept public comments on an item of general public interest. This is the Agency's Bureau of Water Program Plan for fiscal year 1996 (FY 96). The Agency conducts its hearings pursuant to its "Procedures for Informational and Quasi-Legislative Public Hearings", 35 Ill. Adm. Code 164. Interested persons can obtain a copy of those procedures from the hearing officer. Special needs interpreters will be made upon timely request prior to July 7, 1995.

The Agency Bureau of Water will conduct a public hearing on its proposed Program Plan for fiscal year 1996 (FY 96; July 1, 1995 through June 30, 1996):

10:00 a.m., Wednesday, July 26, 1995  
Mississippi Room  
1001 North Grand Avenue East  
Springfield

The Agency stated that it seeks public understanding of and comment on its FY 96 programs plans for the Bureau of Water relating to the Revolving Loan Fund. This included the list of projects for FY 96, the criteria and method for distribution of the funds, and the criteria and method for the selection of projects. The Agency intended to give presentations on the Plan during the first hour of the hearing, then to collect public comments. Interested persons may address public comments or

inquiries to the Agency:

John D. Williams, Agency Hearing Officer  
 Illinois EPA  
 2200 Churchill Road  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276  
 Telephone: 217-782-5544

All comments must be postmarked no later than midnight August 25, 1995, at which time the record will close.

For questions on specific programs, contact the following Agency personnel:

Public Water Supplies Program: Charles Bell, at 217-785-0561  
 Revolving Loan Fund: Ron Drainer, at 217-782-2027  
 Water Quality Management Plan: Rick Mollahan, at 217-782-3362  
 Water Pollution Program General Questions: Rosie Kellus, at 217-782-1654  
 Priority Watersheds: Joel Cross, at 217-782 3362

#### ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW DETERMINATIONS LISTS

Pursuant to Section 28.1(d)(3) of the Environmental Protection Act, the Board is publishing in this issue of the Environmental Register a list of all final determinations on adjusted standards made within fiscal year 1995 (July 1, 1994 through June 30, 1995). Accompanying that listing is a list of all final determinations on combined sewer overflow exceptions during the fiscal year. To receive a copy of any of these determinations, please write to the Clerk of the Board and specify the docket number of the case. A copy of the adjusted standards list will appear in the Illinois Register, as also required by Section 28.1(d)(3).

#### SIGNIFICANT RECENT FEDERAL ACTIONS

The Board continues its series of reports on recent federal actions from the Federal Register that are of interest to the Board and the regulated community. Below are highlighted 14 such actions:

##### Streamlined Management of Universal Waste

On May 11, 1995 (60 Fed. Reg. 25492), U.S. EPA adopted streamlined regulations for the management of certain hazardous wastes called "universal waste". Universal waste includes certain widely-generated

wastes, batteries, pesticides, and thermostats. The regulations govern the collection and management of these wastes. They establish alternative regulations in new 40 CFR 273 applicable to collection and management of the covered wastes that are less complex than the general treatment, storage, and disposal facility standards. The intent was to reduce the regulatory burden of collecting and managing these wastes to encourage recycling and to reduce the amounts winding up in landfills. U.S. EPA stated that it may add similar wastes in the future.

U.S. EPA stated that three basic characteristics typify universal wastes. First, they are generated in a variety of settings other than industrial settings. Second, the vast size of the community generating them poses problems for implementing hazardous waste regulation of them. Finally, significant volumes of these wastes wind up in non-hazardous waste management units.

U.S. EPA expressly bypassed proposing regulation of mercury-containing used fluorescent light bulbs as universal waste in its original proposal. Rather, it requested comment on this issue and ultimately proposed such rules separately on July 27, 1994 (59 Fed. Reg. 38288). If regulations ultimately result from that proposal, U.S. EPA will make them consistent with the new universal waste regulations.

(Editor's note: This federal rulemaking falls within the timeframe of presently-reserved identical-in-substance rulemaking docket R95-20. Interested persons should address questions to Michael J. McCambridge, at 312-814-6924, or address comments to Dorothy Gunn, Clerk, Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please use docket number R95-20 in any comments or inquiries.)

##### Exemption of Acetone from the Definition of VOM

U.S. EPA exempted acetone from the definition of VOM on June 16, 1995 (at 60 Fed. Reg. 31633). It determined that acetone exhibits negligible photochemical reactivity that it participates minimally in the formation of tropospheric ozone. This means that acetone is no longer considered "volatile organic material" (VOM) that is subject to emissions controls for the purposes of ozone compliance, and states cannot claim credit in their state implementation plans (SIPs) for control of acetone emissions.

(Editor's note: The Board responded to this action on July 7, 1995 by proposing corresponding amendments to the Illinois definition of VOM in the identical-in-substance docket R95-16. Interested

persons should address questions to Michael J. McCambridge, at 312-814-6924, or address comments to Dorothy Gunn, Clerk, Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please use docket number R95-16 in any comments or inquiries.)

#### Revised Draft Lake Michigan Lakewide Management Plan

U.S. EPA announced the availability of the revised draft Lake Michigan Lakewide Management Plan (Lake Michigan LaMP) on May 5, 1995 (60 Fed. Reg. 22381). The Lake Michigan LaMP describes the pollutants affecting the Lake and the actions government and private sector have taken and could take to reduce the pollutant loadings. This revised draft significantly changed from the draft Lake Michigan LaMP released by U.S. EPA on January 1, 1992 (57 Fed. Reg. 41941, Aug. 11, 1992). U.S. EPA especially seeks comment on the draft list of critical pollutants affecting the Lake and the measures that could be taken to reduce the presence of these pollutants.

The Lake Michigan LaMP identifies polychlorinated biphenyls (PCBs), dieldrin, chlordane, DDT and its degeneration products (DDD and DDE isomers), polychlorinated dibenzo-para-dioxins (dioxin), polychlorinated dibenzofurans (Furan) and mercury as "Level I" critical pollutants, which violate the most stringent water quality criteria, exceed an FDA action level in fish, or are associated with lakewide use impairments. These are the primary focus of the LaMP. The "Level II" pollutants of concern, in order of concern, are hexachlorobenzene, toxaphene, polycyclic aromatic hydrocarbons (PAHs), lead, copper, zinc, arsenic, cadmium, chromium, and cyanide. These are chemicals for which there is a use impairment. Pollutants that could potentially impact the Lake, "Level III" pollutants are atrazine, selenium, and five PCB substitute compounds: isopropylbiphenyl, Santosol 100 and 150, Suresol 290, and diisopropylnaphthalene.

The Lake Michigan LaMP identifies the sources of the various levels of pollutants. In general, the sources are NPDES-permitted (municipal and industrial) discharges, urban and agricultural runoff, atmospheric deposition, tributary streams, (RCRA and CERCLA) hazardous waste facilities and sites, stormwater, and contaminated sediments. U.S. EPA stated that load estimates for the sources are scarce or nonexistent, and it intends to further study sources and loadings to prioritize pollution prevention, reduction,

and remediation activities.

The LaMP identifies pollution prevention, reduction, and remediation activities already undertaken. Included are agricultural clean sweeps in Indiana, Michigan, and Wisconsin for banned, cancelled, or unused pesticides; urban clean sweeps in northwest Indiana; sediment assessment and remediation at the Lincoln Park Gun Club (Illinois), Trail Creek (Indiana), Manistee Lake (Michigan) and "Lake Michigan Areas of Concern"; pollution prevention outreach and technical assistance projects in Chicago, Milwaukee, western Michigan, and northwest Indiana; the development of maximum available control technology (MACT) standards for air toxics; reports and recommendations to Congress on the impact of air toxics and methods for emissions reduction; and 25 percent reductions in releases of LaMP pollutants into the Lake from the ten RCRA facilities with the greatest potential to impact the Lake.

The LaMP was prepared in cooperation between U.S. EPA; the U.S. Army Corps of Engineers; the U.S. Department of Agriculture; the U.S. Fish and Wildlife Service; the U.S. Geological Survey; the states of Illinois, Indiana, Michigan, and Wisconsin; and the Chippewa/Ottawa Treaty Fishery Management Authority. The Great Lakes Water Quality Agreement of 1987 between the U.S. and Canada calls for both governments to engage in a LaMP for each of the five great lakes. The 1987 Clean Water Act amendments require U.S. EPA to take the lead in meeting the goals of the Agreement. The Great Lakes Critical Programs Act of 1990 sets forth a timetable for development of the Lake Michigan LaMP: a proposed LaMP for public comment by January 1, 1992, a proposed LaMP for international review by January 1, 1993, a final LaMP by January 1, 1994. U.S. EPA presently anticipates publication of the final Lake Michigan LaMP in the Federal Register by January 1996.

#### Approval of J.M. Sweeney Stage II Variance SIP Revision

The Board granted J.M. Sweeney a variance from the Stage II gasoline vapor recovery requirements on September 1, 1994, in docket PCB 93-257. U.S. EPA approved the SIP revision involving this variance on May 3, 1995 (60 Fed. Reg. 21706) as a direct final rule. The public comment period ended on June 2, 1995.

J.M. Sweeney obtained the variance because it could not install the required Stage II vapor recovery equipment by the November 1, 1993 deadline.

Contamination of unknown extent from a leaking tank was found at the site, and remedial action was necessary. It would have cost Sweeney to \$50,000 TO \$60,000 extra to install Stage II equipment before remediation. The variance expired March 31, 1995.

U.S. EPA stated that it was approving the SIP revision involving variance because the increased emissions it would occasion would not contribute significantly to tropospheric ozone formation. The expiration of the variance on March 31, 1995 precedes the April 1 beginning of the 1995 ozone season.

#### Federal Emissions Standards for Small Engines

On July 3, 1995 (60 Fed. Reg. 34582), U.S. EPA adopted emissions standards for new nonroad spark-ignition engines at or below 25 horsepower (small SI engines). These are engines used primarily in lawn and garden equipment. U.S. EPA anticipates reductions of 32 percent reduction in hydrocarbon (HC) emissions and 7 percent in carbon monoxide (CO) emissions in the year 2020 through the implementation of the rules.

U.S. EPA is presently working on a second phase of regulations for these engines. The Phase 1 regulations are similar to the Regulation for 1995 and Later Utility and Lawn and Garden Equipment Engines emissions regulations issued by the California Air Resource Board (CARB). Inter alia, the new Phase 1 rules designate product lines into groups of engines, require manufacturer emissions testing, require engine certification and labelling, and prohibit the sale of uncertified engines. The Phase 2 regulations will result through consultation and negotiation with industry, and might include useful life requirements, in-use emissions requirements, evaporative emissions, refueling emissions, etc.

The regulations result from U.S. EPA's 1991 study of emissions from off-road engines mandated by CAA § 213(a)(1). That study indicated that nonroad engines and equipment contribute 10 percent of the summer VOM emissions in the 19 ozone nonattainment areas included in the study. Small SI engines account for half those summer emissions from nonroad engines. Nonroad engines accounted for nine percent of CO winter CO emissions in the sixteen CO nonattainment areas in the study. Small SI engines account for 56 percent of the nonroad engine emissions.

#### Refrigerant Recycling

On May 2, 1995 (60 Fed. Reg. 21682), U.S. EPA amended its requirements for recovery and recycling of used automotive refrigerant. The amendments established a standard for approval of recovery-only equipment and updates the purity standard for off-site reclaimed refrigerant. They also revise the criteria for operator certification to reflect the standard for recover-only equipment. Essentially, most of the supplemental final rule pertaining to recover-only equipment, effective June 1, 1995, provides additional flexibility for technicians servicing automobile air conditioners by allowing the use of recover-only equipment. The changed purity standard is effective July 3, 1995.

U.S. EPA established rules on July 14, 1992 (57 Fed. Reg. 31241) that restrict the servicing of automobile air conditioning equipment to technicians using only approved recovery-only or recovery and recycling equipment. Those rules established standards for approval of recovery and recycling equipment, but did not do so as to recovery-only equipment. Recycling refrigerant recovered from recycle-only equipment can occur either on-site or off-site (using recover-recycle equipment).

The new recover-only equipment standard closely follows Society of Automotive Engineers (SAE) standards J1989 and J2209. SAE standard J1989, relating to containment of refrigerant, was formerly approved for use of recovery and recycling equipment. The standard for off-site recycled refrigerant was changed from Air conditioning and Refrigeration Institute (ARI) standard 700-88 to ARI 700-93. In the discussion, U.S. EPA also states that it has approved both Underwriters Laboratories (UL) and Engineering Testing Laboratories (ETL) for certification testing of the recover-only equipment. They were formerly approved for certification of recovery and recycling equipment.

#### Proposed New Non-Municipal Solid Waste Landfill Rules

On June 12, 1995 (60 Fed. Reg. 30964), U.S. EPA proposed amending the hazardous and nonhazardous waste disposal rules to establish requirements for disposal of RCRA Subtitle C conditionally-exempt small-quantity generator (CESQG) hazardous waste in nonhazardous waste landfills. The proposed amendments would clarify that 40 CFR 258 RCRA Subtitle D municipal solid waste landfills can manage CESQG wastes. It would also expand upon the Subtitle D requirements by incorporating, as 40 CFR

257, subtitle B, management standards for non-MSWLF units receiving CESQG waste. The amendments would include requirements for state programs: U.S. EPA will list them as required HSWA-driven elements in 40 CFR 271.1(j). The requirements will become effective 18 to 24 months after U.S. EPA adopts them.

#### Proposed Federal Vehicle I/M Relaxations

On April 28, 1995 (60 Fed. Reg. 20934), U.S. EPA proposed an alternative relaxation of the vehicle inspection and maintenance (I/M) regulations for areas that can demonstrate that they can achieve the goals of the Clean Air Act Amendments of 1990 (CAAA). The proposed rules would create a second, less stringent test for those areas that can achieve the reasonable further progress (RFP) deadlines of the CAAA. The original test, formerly the enhanced I/M test, would now be called the high enhanced I/M performance standard. The new test would be called the low enhanced performance standard. The new low enhanced test would include the minimum two inspections per vehicle, an emission inspection and a visual inspection. It would also extend the deadline for implementing the minimum repair expenditure for a waiver, allow application of pre-inspection repairs towards the waiver expenditure, allow repairs of primary emissions control components by non-technicians to apply towards the waiver expenditure, and allow more than one hardship exemption per vehicle lifetime. The proposal also would make clarifying amendments to the requirements for areas undergoing redesignation. U.S. EPA further elicited comment on whether it should change the population cutoff for basic I/M from 50,000 to 200,000.

(Editor's note: The Board adopted rules relating to the high enhanced I/M program on December 1, 1994 under dockets R94-19 and R94-20. R94-19 involved vehicle engine exhaust emissions, and R94-20 involved fuel evaporative emissions.)

#### Reportable Quantity Adjustments (Hazardous Substances)

On June 12, 1995 (60 Fed. Reg. 30926) U.S. EPA amended the reportable quantity tables in 40 CFR 117 (Clean Water Act or CWA), 302 (Superfund or CERCLA), and 355 (EPCRA). A reportable quantity (RQ) is that threshold amount of a hazardous substance above which a release must be reported under the release reporting requirements of the appropriate statute. U.S. EPA added 47 Clean Air Act (CAA) hazardous air pollutants (HAPs), adjusting their statutory one-pound RQs; added five categories

of substances that are CAA HAPs, assigning no RQ; adjusted the RQs for 11 RCRA Subtitle C hazardous wastes; and made conforming changes to the CWA and EPCRA tables. An RQ can be one pound or 10, 100, 1000, or 5000 pounds of a substance.

#### NESHAP for Lead Smelters

On June 23, 1995 (60 Fed. Reg. 32587), U.S. EPA established national emission standards for hazardous air pollutants (NESHAPS) for the secondary lead smelting industry at 40 CFR 63, subpart X. The limitations apply to emissions from smelting furnaces, refining kettles, agglomerating furnaces, dryers, and fugitive dust sources at major source and area source secondary lead smelters. A secondary lead smelter is defined as a facility that recycles lead from lead-bearing scrap. The rules do not apply to primary lead smelters. The rules impose limitations on lead emissions and total hydrocarbon (THC) emissions, as a surrogate for all organic hazardous air pollutants (HAPs). The compliance deadline for all sources is June 23, 1997. The rules also include testing, monitoring, notification, recordkeeping, and reporting requirements.

#### Repeal of Obsolete Provisions

On June 29, 1995, in three actions (60 Fed. Reg. 33912, 33915 & 33926), U.S. EPA repealed several provisions of its regulations under the Clean Air Act, Clean Water Act, RCRA, CERCLA, SDWA (both drinking water and UIC provisions), and other authorities. U.S. EPA explained that these actions removed provisions that had no further legal effect because (1) they implemented subsequently-repealed statutory provisions, (2) they expired under their own terms or under statutory terms, or (3) they were vacated by a court. U.S. EPA stated that these actions were in compliance with a March 4, 1995 Presidential order.

(Editor's note: This action will most likely require some corresponding to corresponding Illinois regulations in an identical-in-substance rulemaking update. The docket numbers assigned the various programs for the update period ended June 30, 1995 are as follows: R95-17, SDWA Update; R95-18, UIC Update; R95-19, RCRA Subtitle D Update; R95-20, RCRA Subtitle C Update; R95-21, UST Update; and R95-22, Pretreatment Update.)

#### Federal Regulatory Reinvention (XL) Pilot Projects

On May 23, 1995 (60 Fed. Reg. 27282), U.S. EPA announced the establishment of three pilot projects intended to allow greater regulatory flexibility. The

projects would allow regulated facilities to develop and demonstrate alternative strategies that would replace existing regulatory requirements if they can produce greater environmental benefits than the requirements they would replace. The three pilot programs are the XL program for facilities, the industry-wide or sector-based XL program, and an XL program for regulated government facilities. U.S. EPA has invited proposals for these three programs, and it will invite proposals for a fourth program, a community-based XL program, in the future. These proposals respond to a March 16, 1995 Presidential announcement contained in "Reinventing Environmental Regulation". U.S. EPA's goal is to implement 50 projects in the four XL program areas.

For each project, the regulated entities will receive greater regulatory flexibility in exchange for a commitment to achieve greater environmental benefits by the alternative means. U.S. EPA intends implementing these projects in conjunction with the states. It stated that it will evaluate proposals based on environmental results, costs savings and paperwork reduction, stakeholder (interested local persons) support, innovation and multimedia pollution prevention, transferability (into U.S. EPA programs or to other industries), feasibility, monitoring and reporting, and its shifting of the burdens of risk.

#### Amendments to Phase-Out of Ozone-Depleting Chemicals

On May 10, 1995 (60 Fed. Reg. 24970), U.S. EPA amended the regulations for phase out of ozone-depleting substances. The amendments clarify the existing rules, improve efficiency, reduce the administrative burden on regulated entities, and allow post-phase-out production of the substances for special exempted uses. Chlorofluorocarbon (CFC), carbon tetrachloride (tetrachloromethane), methyl chloroform (1,1,1-trichloroethane), and hydrobromofluorocarbon (collectively, class I substances) are to be phased out by January 1, 1996, and halon (tetrafluoroethylene polymer) production was to have been phased out January 1, 1994.

U.S. EPA adopted the regulations that limit production and consumption of ozone-depleting substances on December 10 and 30, 1993 (58 Fed. Reg. 65081 and 69235). The rules established an allowance program to ensure that the U.S. complied with the Montreal Protocol on Substances that Deplete the Ozone Layer and Title VI of the Clean Air Act Amendments of 1990 (CAAA). Companies expend tradeable allowances by producing or importing the

subject substances. The amendments do away with controlled allowances for class I substances (excluding methyl bromide), and their continued production will be allowed after the phaseout deadline, if certain conditions are fulfilled. The conditions pertaining to allowable production are as follows: they are either transformed or destroyed, they are exported to article 5 (developing ) countries, or they are produced for essential uses consistent with essential use allowances.

The conditions for allowable import are as follows: they are either transformed or destroyed, they are previously used (including recycled and reclaimed), they are imported for essential uses consistent with essential use allowances, they are transhipped to another signatory to the Montreal Protocol, or they are imported using destruction and transformation credits.

(Editor's Note: The hydrochlorofluorocarbons (HCFCs) are class II substances, not class I substances, and are not the subject of these amendments. The following exempt compounds listed in the Illinois definition of volatile organic material (VOM), in Section 211.7150 of the air pollution control regulations, are class I compounds subject to 1996 phase-out: 1,1,1-trichloroethane (methyl chloroform), 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113), trichlorofluoromethane (CFC-

11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115). The following VOM-exempted compounds are class II compounds not subject to 1996 phase-out: 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 1,1,1,2-tetrafluoroethane (HFC-134a), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1-trifluoroethane (HFC-143a), and 1,1-difluoroethane (HFC-152a). The following two compounds are exempt from the definition of VOM and are not subject to the Montreal Protocol: methylene chloride (dichloromethane) and trifluoromethane (HFC-23). The phase-out of the production and importation of many of the exempted compounds will greatly curtail use of these substances, but residual use will continue because there are exempted uses and the Protocol directly affects production and importation, not use.)

Stratospheric Ozone: Significant New Alternatives Policy (SNAP)

On June 13, 1995 (at 60 Fed. Reg. 31092), U.S. EPA amended the Significant New Alternatives Policy (SNAP) in the stratospheric ozone protection rules. The amendments incorporated an updated listing of restrictions and prohibitions for substances used to substitute for ozone-depleting substances. Under the SNAP program, adopted under section 612 of the Clean Air Act, this listing indicates the acceptable and unacceptable substitutes and conditions on substitution for ozone-depleting substances in particular uses. U.S. EPA evaluates risks to human health and the environment in assembling the listings.

**POLLUTION CONTROL BOARD  
DEVELOPING A HOME PAGE ON THE WORLD WIDE WEBB**

The Pollution Control Board is in the process of developing a Home Page on the World Wide Webb on the Internet and hopes to begin placing information on the Home Page in September. This will replace the current Electronic Bulletin Board System (BBS). The World Wide Webb will contain Board Agendas, Environmental Registers, Annual Reports, Citizen Participation Guides, and various documents about the Board. The Home Page address will be provided in a future issue of the Environmental Register. For additional information contact Sandy Wiley at the Board Offices 312-814-3623.

**FINAL ACTIONS - May 4, 1995 BOARD MEETING**

- reconsideration and affirmed its February 16, 1995 opinion and order, which affirmed in part and reversed in part the Agency's denial of reimbursement in this underground storage tank reimbursement determination involving a DuPage County facility.
- 93-128 National Coatings, Inc. v. IEPA - The Board granted voluntary dismissal of this RCRA permit appeal involving a Knox County facility.
- 94-84 People of the State of Illinois v. Winnebago Reclamation Service, Inc. - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Winnebago County facility, ordered the respondent to pay a civil penalty of \$6,750.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-127 People of the State of Illinois v. James Lee Watts, and d/b/a Watts Trucking Service, Inc. and ESG Watts, Inc. - The Board found that ESG Watts had violated Sections 807.623, 858.401, and 814.104 of the landfill regulations in this enforcement action against Rock Island and Sangamon County facilities, ordered the respondent to pay a civil penalty of \$60,000.00, awarded \$4,980.00 in attorneys fees and costs to the Attorney General's office, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-246 People of the State of Illinois v. Odum Concrete Products, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Williamson County facility, ordered the respondent to pay a civil penalty of \$5,000.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.
- 94-261 Chemetco, Inc. v. IEPA - The Board granted voluntary dismissal of this air permit appeal involving a Madison County facility.
- 94-270 People of the State of Illinois v. Spraying Systems Company - The Board granted voluntary withdrawal of this air enforcement action against a DuPage County facility.
- 94-386 Chase Products Company v. IEPA - The Board granted voluntary withdrawal of this air permit appeal involving a Cook County facility.
- 95-3 Illinois Petroleum Marketers Association (Representing 157 facilities located within the Chicago Ozone nonattainment area) v. IEPA - The Board granted 157 gasoline dispensing facilities located in the Chicago ozone nonattainment area and affiliated with the petitioner a five-month variance from the requirement to install and operate Stage II vapor recovery equipment, subject to conditions.
- 95-75 Medical Disposal Services, Inc. v. IEPA - The Board granted the Agency's cross-motion for summary judgment, holding that local siting approval was not transferrable and affirming the Agency's denial of an air construction permit for the construction of a proposed Cook County medical waste treatment facility. Consolidated with PCB 95-76. Members E. Dunham and J. Theodore Meyer dissented.
- 95-76 Medical Disposal Services, Inc. v. IEPA - The Board granted the Agency's cross-motion for summary judgment, holding that local siting approval was not transferrable and affirming the Agency's denial of a land construction permit for the construction of a proposed Cook County medical waste treatment facility. Consolidated with PCB 95-75. Members E. Dunham and J. Theodore Meyer dissented.
- 94-114 People of the State of Illinois v. C. P. Inorganics, Inc., n/k/a Phibro-Tech, Inc. - The Board accepted a stipulation and

settlement agreement in this air enforcement action against a Will County facility, ordered the respondent to pay a civil penalty of \$2,500.00, and ordered it to cease and desist from further violation. Member J. Theodore Meyer concurred.

95-138 City of White Hall v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Greene County wastewater treatment facility a 45-day provisional variance from the carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) and total suspended solids (TSS) effluent requirements of the water pollution control regulations, subject to conditions, to allow it to continue operating during a period of treatment plant repairs.

AC 95-22 IEPA v. Clayton G. Pope and Karen N. Pope - The Board entered a default order, finding that the Champaign County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00.

AC 95-23 County of Vermilion v. Brickyard Disposal & Recycling, Inc. - The Board entered a default order, finding that the Vermilion County respondent had violated Section 21(0)(5) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 95-24 County of Vermilion v. Brickyard Disposal & Recycling, Inc. - The Board entered a default order, finding that the Vermilion County respondent had violated Section 21(0)(5) of the Environmental Protection Act and ordering it to pay a civil penalty of \$500.00.

R94-33 In the Matter of: 15% ROP Plan Control Measures for VOM Emissions - Part VII: Batch Operations: Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219 - See Rulemaking Update.

---

**NEW CASES - May 4, 1995 BOARD MEETING**

95-116 Kelley-Williamson Company v. EPA - The Board accepted an amended petition for hearing in this underground storage tank reimbursement determination appeal involving a Boone County facility.

95-128 Cathy Bevis, Gladys Shreve, Rick Moore, Eleanor Towns, Eleanor Morris, Leonard Morris, Eddie Breeze, Louise Breeze, Mary Lee Cunningham, Lyle Rutger, Marie Rutger, Charles Walker and Lenora Walker v. Wayne County Board, Wayne County - The Board held this third party landfill siting appeal involving a Wayne County facility.

95-133 ESG Watts, Inc. (Taylor Ridge or Andalusia Landfill--Calcium Sulfite Cake) v. IEPA - The Board accepted this land permit appeal involving a Rock Island County facility for hearing. Consolidated with PCB 95-134.

95-134 ESG Watts, Inc. (Taylor Ridge or Andalusia Landfill--Buffing Dust Waste) v. IEPA - The Board accepted this land permit appeal involving a Rock Island County facility for hearing. Consolidated with PCB 95-133.

- 95-135 People of the State of Illinois v. Yesley Service Company, Inc. - The Board accepted this special waste hauling enforcement action against a Randolph facility.
- 95-136 Burbank/Reavis High School District #220 v. IEPA - The Board, having received a request for a 90-day extension of time to file a permit appeal pursuant to P.A. 88-690, reserved this docket for any underground storage tank reimbursement determination appeal filed on behalf of this Cook County facility.
- 95-137 Community Landfill Corporation v. IEPA - The Board held this land variance involving a Grundy County facility for an Agency recommendation.
- 95-138 City of White Hall v. IEPA - See Final Actions.
- 95-139 People of the State of Illinois v. MBL (USA) Corporation - 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 LaSalle County facility, the Board ordered publication of the required newspaper notice.
- AC 95-25 IEPA v. Fred Smith, Jr. - The Board accepted an appeal for hearing in this administrative citation filed against a Macoupin County facility.
- AC 95-26 IEPA v. Orville Bartels and Frank Blair - The Board accepted an appeal for hearing in this administrative citation filed against Cass County respondents.
- AC 95-28 Sangamon County v. ESG Watts, Inc. - The Board accepted an appeal for hearing in this administrative citation filed against a Sangamon County facility.
- AC 95-29 Sangamon County v. ESG Watts, Inc. - The Board accepted an appeal for hearing in this administrative citation filed against a Sangamon County facility.
- AC 95-31 IEPA v. Lake County Grading of Libertyville, Inc. - The Board received an administrative citation against a Lake County facility.
- AS 95-4 In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard From 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application) - The Board accepted this peti-

tion for an adjusted standard from certain of the landfill regulations filed on behalf of a Cook County facility.

R95-13 In the Matter of: RCRA Subtitle D Update, Delayed Effective Date of USEPA Financial Assurance Regulations (April 7, 1995) - See Rulemaking Update.

R95-14 In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Site-Specific Water Quality Regulation: 35 Ill. Adm. Code Parts 302 through 304 - See Rulemaking Update.

---

**FINAL ACTIONS - May 11, 1995 BOARD MEETING**

95-140 Indian Refining Limited Partnership v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Lawrence County facility a 45-day provisional variance from certain sulfur dioxide requirements of the air pollution regulations, subject to conditions, during a period of refinery repairs.

95-141 United States Tobacco Manufacturing Company v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance from volatile organic material emissions requirements of the air pollution regulations, subject to conditions, awaiting delivery and installation of emissions control equipment.

---

**NEW CASES - May 11 SPECIAL BOARD MEETING**

95-140 Indian Refining Limited Partnership v. IEPA - See Final Actions.

AC 95-32 Williamson County Solid Waste Management Office v. Karen Addison - The Board received an administrative citation against a Williamson County facility.

95-141 United States Tobacco Manufacturing Company v. IEPA - See Final Actions.

---

**FINAL ACTIONS - May 18, 1995 BOARD MEETING**

92-165 Reichhold Chemicals, Inc. v. IEPA - The Board, on its own motion, consolidated this matter with PCB 94-278, incorporated by reference the joint settlement agreement, and granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving Cook County facility.

93-45 St. Louis Auto Shredding v. IEPA - The Board granted voluntary withdrawal of this land permit appeal involving a St. Clair County facility.

93-106 Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, and the Hoopston

- Community Memorial Hospital v. Illinois Landfills, Inc. and Hoopston City Council, on behalf of the City of Hoopston - The Board, in compliance with the mandate of the Fourth District Appellate Court, remanded this third party landfill siting appeal involving a Vermilion County facility for further proceedings consistent with the court's order.
- 94-133 TNT Holland Motor Express, Inc. v. Office of the State Fire Marshal - Finding that an administrative agency, such as OSFM, may not reconsider its final determination unless statutorily authorized to do so, the Board granted summary judgment in favor of the petitioner, in this underground storage tank reimbursement determination appeal involving a Cook County facility.
- 94-258 Woodstock/Northern FS, Inc. v. IEPA - The Board affirmed an Agency determination that a tank removal of was in response to a new release and were properly considered pursuant to Section 57 of the Act, in this underground storage tank reimbursement determination appeal involving a McHenry County facility.
- 94-278 Reichhold Chemicals, Inc. v. IEPA - The Board, on its own motion, consolidated this matter with PCB 92-165, incorporated by reference the joint settlement agreement, and granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving Cook County facility.
- 95-1 Penny Snyder, George J. Moran, Robert D. Larson, George Arnold, Jim Bensen, Madison County Conservation Alliance and Piasa Palisades Group of the Sierra Club v. Waste Management of Illinois, Inc. - The Board granted the respondent's motion to dismiss this citizens land enforcement action against a Madison County facility, finding that the respondent was operating under a permit issued prior to 1981, so the landfill expansion was not a new pollution control facility subject to local siting approval.
- 95-43 Kathe's Auto Service Center v. IEPA - The Board affirmed the disapproval of the petitioner's site classification completion report for its Cook County facility in this underground storage tank corrective action appeal.
- 95-56 Rodney B. Nelson, M.D. v. Kane County Board, Warren Kammerer, Chairman - The Board found that this citizen's land enforcement action against Kane County respondents did not state a claim upon which relief could be granted and dismissed it as frivolous.
- 95-62 D & L Landfill, Inc. v. IEPA - The Board granted voluntary dismissal of this land permit appeal involving Board County facility.
- 95-63 Union Oil Company of California, d/b/a Unocal Corporation v. IEPA - The Board granted voluntary dismissal of this petition for an air variance for a Will County facility.
- 95-128 Cathy Bevis, Gladys Shreve, Rick Moore, Eleanor Towns, Eleanor Morris, Leonard Morris, Eddie Breeze, Louise Breeze, Mary Lee Cunningham, Lyle Rutger, Marie Rutger, Charles Walker and Lenora Walker v. Wayne County Board, Wayne County - The Board dismissed this citizen's third party landfill siting appeal, finding that it was frivolous because it failed to name a necessary party, as required by Section 40.1(b) of the Act.
- 95-145 Amoco Oil Company v. IEPA - Upon receipt of an Agency recommendation, the Board granted this DuPage County gasoline dispensing facility a 10-day extension of previous provisional variances granted in PCB 94-363 and PCB 95-130 from the air pollution control regulations that require the installation and operation of Stage II vapor recovery equipment.
- 95-146 Norbert Janisch and Sibi Kadalimatton v.

IEPA - Upon receipt of an Agency recommendation, the Board granted this DuPage County gasoline dispensing facility a 19-day extension of previous provisional variances granted in PCB 94-263 and PCB 95-131 from the air pollution control regulations that require the installation and operation of Stage II vapor recovery equipment.

95-148 Glenbard Wastewater Authority v. IEPA - Upon receipt of an Agency recommendation, the Board granted this DuPage County wastewater treatment facility a 45-day provisional variance from the seasonal fecal coliform effluent requirements of the water pollution control requirements, subject to conditions, to allow continued operation during a period of treatment plant malfunction.

95-149 Pittsburgh Tube Company v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Livingston County facility a 45-day provisional variance from the boron, zinc, pH, and total dissolved solids effluent requirements of the water pollution control regulations, subject to conditions, during a period of treatment plant maintenance.

AC 94-92 County of DuPage v. Waste Management of Illinois, Inc. - The Board granted voluntary withdrawal of this administrative citation against a DuPage County respondent.

AC 95-5 IEPA v. Atkinson Landfill Company and

Donald Martin - The Board granted voluntary withdrawal of the petition for review and entered a default order, finding that the Henry County respondents had violated Sections 21(o)(3), 21(o)(5), 21(o)(9), and 21(p)(11) of the Act and ordering them to pay a civil penalty of \$2,000.00.

AC 95-20 Jackson County v. Greg Burris, individually, also d/b/a Burris Disposal Service - The Board entered a default order, finding that the Jackson County respondent had violated Sections 21(p)(1), 21(p)(2), 21(p)(3), 21(p)(4), and 21(p)(5) of the Act and ordering it to pay a civil penalty of \$2,500.00.

R94-10 In the Matter of: Pretreatment Update (July 1, 1993 through December 31, 1993) - See Rulemaking Update.

---

**NEW CASES - May 18, 1995 BOARD MEETING**

94-125 People of the State of Illinois v. Beloit Corporation and All States Asbestos Professionals - 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 Winnebago County facility, the

Board ordered publication of the required newspaper notice.

95-89 Eugene W. Graham (Libertyville Citgo) v. IEPA - The Board accepted an amended petition in this underground storage tank fund reimbursement determination appeal involving a Lake

- County facility.
- 95-105 Saline County Landfill v. IEPA - Having previously granted an extension of time to file a land permit appeal involving this Crawford County facility, the Board accepted the petition for hearing.
- 95-128 Cathy Bevis, Gladys Shreve, Rick Moore, Eleanor Towns, Eleanor Morris, Leonard Morris, Eddie Breeze, Louise Breeze, Mary Lee Cunningham, Lyle Rutger, Marie Rutger, Charles Walker and Lenora Walker v. Wayne County Board, Wayne County - See Final Actions.
- 95-142 City of Yorkville v. IEPA - The Board held this public water supply variance petition involving a Kendall County facility for an Agency recommendation.
- 95-143 Gordon Krautsack v. Bhogilal Patel, Shbhash Patel, and Electronic Interconnect, Inc. - The Board held this citizen's land enforcement action against a Cook County facility for a frivolous and duplicitous determination.
- 95-144 Oscar M. Cohn v. Wesley United Methodist Church - The Board held this citizen's noise enforcement action against a McLean County facility for a frivolous and duplicitous determination.
- 95-145 Amoco Oil Company v. IEPA - See Final Actions.
- 95-146 Norbert Janisch and Sibi Kadalimatton v. IEPA - See Final Actions.
- 95-147 American River Transportation company v. IEPA - The Board held this land variance petition involving a Grundy County facility for an Agency recommendation.
- 95-148 Glenbard Wastewater Authority v. IEPA - See Final Actions.
- 95-149 Pittsburgh Tube Company v. IEPA - See Final Actions.
- AC 95-33 IEPA v. John Sexton Sand and Gravel Corp. - The Board received an administrative citation against a Cook County facility.
- AS 95-5 In the Matter of: Petition of Illinois Department of Transportation, District 8" for an Adjusted Standard From 35 Ill. Adm. Code

304.124 (Sludge Application) - The Board held this petition for an adjusted standard from certain of the water pollution control regulations governing the land application of sewage sludge pending receipt of proof of publication.

R95-9 In the Matter of: Amendments to 35 Ill. Adm. Code 810.103 (Solid Waste Disposal General Provision) Concerning On-Farm Disposal of Dead Animals - See Rulemaking Update.

**FINAL ACTIONS - May 25, 1995 BOARD MEETING**

94-289 Montgomery Ward & Co., Incorporated v. IEPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement determination appeal involving a Cook County facility.

AC 95-7 Sangamon County v. Hart of Illinois, Inc. - The Board granted voluntary dismissal of this administrative citation involving a Sangamon County facility.

**NEW CASES - May 25, 1995 BOARD MEETING**

AC 95-34 IEPA v. Envirofil of Illinois, Inc. - The Board received an administrative citation against a McDonough County facility.

the Rock Island Bank as Trustee of Land Trust No. 2113 - The Board received an administrative citation against a Rock Island County facility.

AC 95-35 IEPA v. Greenspace Recycling, Inc. and

**FINAL ACTIONS - June 1, 1995 BOARD MEETING**

94-201 People of the State of Illinois v. Becker Bros, Inc. and G. Raymond Becker, Jr. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Peoria County facility, ordered the respondent to pay a civil penalty of \$15,000.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.

reimbursement determination appeal involving Cook County facility, denying leave to refile the petition for review upon a failure to fulfill the conditions of the settlement agreement.

95-39 W.R. Grace & Co. - Conn, Grace Construction Products v. IEPA - The Board granted the voluntary withdrawal of this air variance involving a Cook County facility.

94-312 Spraylat Corporation v. IEPA - The Board accepted a settlement agreement, ordered the Agency to issue funding in the amount of \$56,870.00, and granted the petitioner's motion to dismiss this underground storage tank fund

95-139 People of the State of Illinois v. MBL (USA) Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a LaSalle County facility, ordered the

respondent to pay a civil penalty of \$15,000.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.

- 95-159 Grace Construction Products v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from certain of the volatile organic material emissions requirements of the air pollution regulations applicable to miscellaneous formulation manufacturing processes in the Chicago metropolitan area due to a fire that destroyed its air pollution control equipment.
- 95-160 United States Tobacco Manufacturing Company - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 31-day extension of the previous provisional variance granted in PCB 95-141, subject to conditions, from certain of the volatile organic material emissions requirements of the air pollution regulations applicable to other emissions units in the Chicago metropolitan area.
- AC 94-37 County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. - The Board dismissed the administrative citation as to the City, accepted a settlement agreement seeking voluntary withdrawal of the petition for review as to Rochelle Disposal Service, and entered a default order, finding that Rochelle Disposal Service had violated Sections 21(0)(5) and 21(0)(12) of the Act at its Ogle County facility and ordering it to pay a civil penalty of \$1,000.00. Board Member J. Theodore Meyer concurred.
- AC 94-76 Sangamon County v. SLC of Springfield, Inc. - The Board vacated its April 20, 1995 and entered a default order, finding that the Sangamon County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.
- AC 94-94 IEPA v. Wayne D. Alberts and Sharon J. Alberts - The granted voluntary withdrawal of the petition for review and entered a default order, finding that the Logan County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00.
- AC 95-27 IEPA v. Browning-Ferris Industries of Illinois, Inc. - The Board entered a default order, finding that the Fulton County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.
- AC 95-30 IEPA v. Knox County Landfill Committee - The Board entered a default order, finding that the Knox County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.
- R95-4 In the Matter of: UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994 - See Rulemaking Update. (Consolidated with R95-6.)
- R95-6 In the Matter of: RCRA Update, USEPA Regulations (July 1, 1994 through December 31, 1994 - See Rulemaking Update. (Consolidated with R95-4.)

---

### **NEW CASES - June 1, 1995 BOARD MEETING**

- 95-143 Gordon Krautsack v. Bhogilal Patel, Subhash Patel, and Electronic Interconnect, Inc. - The Board held this citizen's land enforcement action against Cook County respondents for a frivolous and duplicitous determination.

- 95-144     Oscar M. Cohn v. Wesley United Methodist Church - The Board found that this citizen's land enforcement action against a Cook County facility was neither frivolous nor duplicitous, denied the involuntary dismissal, and directed this matter to hearing.
- 95-150     Marathon Oil Company v. IEPA - The Board accepted this petition filed on behalf of a Crawford County facility for a variance from certain of the carbon monoxide emissions requirements of the air pollution control regulations for hearing.
- 95-151     The Kelly-Springfield Tire Company v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Stephenson County facility for hearing.
- 95-152     City of Lockport v. IEPA - The Board held this petition filed on behalf of a Will County facility for an extension of the variance granted February 28, 1991 in PCB 90-122 from the restricted status requirements of the public water supply regulations as they relate to radium and gross alpha activity for an Agency recommendation.
- 95-153     Gwen Fiss v. IEPA - Having received a request, pursuant to Section 40(c) of the Act, for a 90-day extension of time to file an underground storage tank fund reimbursement determination appeal on behalf of this Winnebago County facility, the Board reserved this docket for any appeal that may be filed on or before August 28, 1995.
- 95-154     Central Illinois Public Service Company v. IEPA - Having received a request, pursuant to Section 40(c) of the Act, for a 90-day extension of time to file a land permit appeal on behalf of this Jasper County facility, the Board reserved this docket for any appeal that may be filed on or before August 25, 1995.
- 95-155     General Business Forms, Inc. v. IEPA - The Board accepted this petition filed on behalf of a Cook County facility for a variance from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to lithographic printers located in the Chicago metropolitan area for hearing.
- 95-156     Harris Marcus Group, Inc. v. IEPA - The Board accepted this petition filed on behalf of a Cook County facility for a variance from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations located in the Chicago metropolitan area for hearing.

- 95-157 Riverside Laboratories, Inc. v. IEPA - The Board accepted this petition filed on behalf of a Kane County facility for a variance from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations located in the Chicago metropolitan area for hearing.
- 95-158 People of the State of Illinois v. City of Herrin - The Board accepted this land enforcement action against a Williamson County facility for hearing.
- 95-159 Grace Construction Products v. IEPA - See Final Actions.
- 95-160 United States Tobacco Manufacturing Company - See Final Actions.
- 95-161 S & C Electric Company v. IEPA - The Board accepted this petition filed on behalf of a Cook County facility for a variance from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations located in the Chicago metropolitan area for hearing. AS 95-5 In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard From 35 Ill. Adm. Code 304.124 (Sludge Application) - The Board acknowledged receipt of this petition for an adjusted standard from certain of the water pollution control regulations pertaining to land application of sewage sludge and held it pending receipt of proof of publication.
- AS 95-6 In the Matter of: Petition of National Metalwares, Inc. for an Adjusted Standard From 35 Ill. Adm. Code 218.204(g) - The Board acknowledged receipt of this petition for an adjusted standard from certain of the air pollution control regulations pertaining to emissions of volatile organic material from coating operations and held it pending receipt of proof of publication.
-

**NEW CASES - June 8, 1995 SPECIAL BOARD MEETING**

- 95-162 Illinois Landfill, Inc. v. IEPA - The Board held this petition for an extension of the twelve-month variance from the deadline for filing its application for significant modification under the land pollution control (landfill) regulations granted this Vermilion County landfill under docket PCB 94-200 on December 1, 1994 for an Agency recommendation.
- 95-163 People of the State of Illinois v. Clark Refining & Marketing, Inc. - The Board accepted this air, water, and RCRA enforcement action against a Madison facility for hearing.
- 95-164 General Motors Landfill v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any land permit appeal that may be filed on or before September 5, 1995 on behalf of this Vermilion County facility.
- 95-165 Richard Buri v. Batavia Concrete, Inc. - The Board held this citizen's RCRA, public water supply, and underground storage tank enforcement action against a Kane County facility for a frivolous and duplicitous determination.
- 95-166 Henri Studio, Inc. v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any air operating permit appeal that may be filed on or before September 7, 1995 on behalf of this Lake County facility.
- 95-167 Palos Kar Wash Professionals, Inc. v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any underground storage tank fund reimbursement determination appeal that may be filed on or before September 10, 1995 on behalf of this Cook County facility.
- AC 95-36 County of LaSalle v. Dave Hertzner - The Board received an administrative citation filed against a LaSalle County respondent.
- AC 95-37 IEPA v. O'Hara Construction, Inc., Kenneth O'Hara, and Madalyn O'Hara - The Board received an administrative citation filed against a Cass County respondent.
- AC 95-38 County of Will v. CDT Landfill - The Board received an administrative citation filed against a Will County respondent.
- AC 95-39 County of Vermilion v. Illinois Landfill, Inc. - The Board received an administrative citation filed against a Vermilion County respondent.
- AS 95-7 In the Matter of: Petition of Western Lion Limited for an Adjusted Standard from 35 Ill. Adm. Code 814.Subpart C - The Board acknowledged receipt of a petition for an adjusted standard from certain of the regulations applicable to chemical and putrescible waste landfills in existence on September 18, 1990 that will remain open past September 18, 1997, and held this matter pending receipt of proof of publication.

---

**FINAL ACTIONS - June 15, 1995 BOARD MEETING**

- 89-44 Kathy Western and Jeffrey Western v. Moline Corporation - On its own motion, after having dismissed PCB 89-87, the Board dismissed this noise enforcement action against a Kane County facility, noting that the complainants may file a motion for reconsideration should additional facts distinguish this action

- from PCB 89-87. (Consolidated with PCB 89-87.)
- 89-87 IEPA v. Moline Corporation - The Board granted voluntary dismissal of this air enforcement action against a Kane County facility. (Consolidated with PCB 89-44.)
- 93-192 Decatur Auto Action v. Macon County Farm Bureau, Inc., Macon County Fair Association, and Macon County Horsemen's Association - In this citizens air enforcement action against a Macon County facility, the Board found that the respondents had violated Section 9(a) of the Act, both by emitting dust so as to cause a nuisance and by visible dust emissions in violation of the air regulations, and ordered them to cease and desist from further violations. Board Member Emmett Dunham concurred. Board Members G. Tanner Girard and J. Theodore Meyer dissented.
- 94-120 Safety-Kleen Corporation (Pekin Service Center, Supplemental Generics) v. IEPA - The Board granted voluntary withdrawal of this RCRA permit appeal involving a Tazewell County facility.
- 94-121 Safety-Kleen Corporation (Pekin Service Center, Supplemental Generics) v. IEPA - The Board granted voluntary withdrawal of this RCRA permit appeal involving a Tazewell County facility.
- 94-125 People of the State of Illinois v. Beloit Corporation and All States Asbestos Professionals - The Board accepted a stipulation and settlement agreement in this air enforcement action against Beloit Corporation, a Winnebago County facility, ordered the respondent to pay a civil penalty of \$3,000.00, and ordered it to cease and desist from further violation. The Board dismissed the complaint against All States Asbestos without prejudice because the State was unable to locate that respondent.
- 94-150 Angela M. White v. Terry & Billie Van Tine & Schneider Transport, Inc. - The Board granted voluntary dismissal of this citizens air and noise enforcement action against a Piatt County facility.
- 94-272 People of the State of Illinois v. Allied Metal Company - The Board granted voluntary dismissal of this EPCRA enforcement action against a Cook County facility.
- 95-52 Safety-Kleen Corporation (Dolton Illinois Recycle Center) v. IEPA - The Board granted voluntary withdrawal of this petition filed on behalf of a Cook County facility for a variance from certain of the volatile organic material emissions requirements from other units of the air pollution control regulations.
- 95-77 Keith Tiberend v. Waste Management of Illinois, Inc., and Village of Marissa - The Board granted voluntary withdrawal of this third party landfill siting appeal involving a St. Clair County facility.
- 95-171 Sibi Kadalimattom v. IEPA - Upon receipt of an Agency recommendation, the Board granted this DuPage County gasoline dispensing facility a 25-day extension of the previous provisional variances granted in PCB 94-263, PCB 95-131, and PCB 95-146 from the air pollution control regulations that require the installation and operation of Stage II vapor recovery equipment.
- AC 95-16 IEPA v. John Sharp, d/b/a John's Auto Salvage - The Board entered a default order, finding that the Montgomery County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.
- AC 95-31 IEPA v. Lake County Grading of Libertyville, Inc. - The Board entered a default order, finding that the Lake County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.
- AC 95-32 Williamson County v. Karen Addison - The Board entered a default order, finding

that the Williamson County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.

Regulations (July 1, 1994 through December 31, 1994 - See Rulemaking Update. (Consolidated with R95-4.)

R94-23 In the Matter of: Safe Drinking Water Act Update, Lead and Copper Rules Corrections (January 1, 1994 through June 30, 1994 - See Rulemaking Update. (Consolidated with R95-3.)

R95-3 In the Matter of: Safe Drinking Water Act Update, Phase II, IIB & V Corrections & Analytical Methods Amendments (July 1, 1994 through December 31, 1994 - See Rulemaking Update. (Consolidated with R94-23.)

R95-4 In the Matter of: UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994 - See Rulemaking Update. (Consolidated with R95-6.)

R95-6 In the Matter of: RCRA Update, USEPA

---

***NEW CASES - June 15, 1995 BOARD MEETING***

95-137 Community Landfill Corporation v. IEPA - Having received a timely filed request for hearing on this petition for a 12-month variance from certain of the regulations applicable to nonhazardous waste landfills in existence on September 18, 1990 requiring the filing of an application for significant modification by September 18, 1994, the Board accepted this matter for hearing.

95-143 Gordon Krautsack v. Bhogilal Patel, Subhash Patel, and Electronic Interconnect, Inc. - The Board found that this citizen's land enforcement action against a Cook County facility was neither duplicitous nor frivolous, denied the respondents motion to dismiss, and accepted it for hearing.

95-168 Brunetto Brothers Mobil v. IEPA - The Board accepted this underground storage tank fund determination appeal involving a Macoupin County facility for hearing.

95-169 Glen Ellyn Storage Corporation v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any underground storage tank fund determination appeal that may be filed on behalf of this DuPage County facility on or before September 11, 1995.

95-170 People of the State of Illinois v. Environmental Control and Abatement, Inc. - The Board accepted this air enforcement action against Madison, Champaign, Adams, and Marion County facilities for hearing.

95-171 Sibi Kadalimattom v. IEPA - See Final Actions.

AC 95-40 County of Will v. Tim Van Baren, d/b/a Plum Valley Nursery - The Board received an administrative citation filed against a Will County respondent.

- AC 95-41 County of Will v. Carl Smits - The Board received an administrative citation filed against a Will County respondent.
- AC 95-42 County of Will v. Edward and Doris Van Drunen - The Board received an administrative citation filed against a Will County respondent.
- AC 95-43 Montgomery County v. Clifford D. Crispens, Jacqueline R Crispens and Line Pilot Bungee, Inc. - The Board received an administrative citation filed against a Montgomery County respondent.
- AC 95-44 IEPA v., Allied Waste Industries of Illinois, Inc. d/b/a Streator Area Landfill, Inc. - The Board received an administrative citation filed against a Livingston County respondent.
- AS 95-6 In the Matter of: Petition of National Metalwares, Inc. for an Adjusted Standard From 35 Ill. Adm. Code 218.204(g) - The Board acknowledged receipt of a petition for an adjusted standard from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations in the Chicago metropolitan area and held it pending receipt of proof of publication.
- R95-15 In the Matter of: Petition of Marathon Oil Company for a Site-Specific Rule - See Rulemaking Update.
- R95-16 In the Matter of: Exemptions From Definitions of VOM, USEPA Amendments (January 1, 1995 through June 30, 1995) - See Rulemaking Update.
- R95-17 In the Matter of: SDWA Update, USEPA Regulations (January 1, 1995 through June 30, 1995 Phase V Rules - See Rulemaking Update.
- R95-18 In the Matter of: UIC Update, USEPA Amendments (January 1, 1995 through June 30, 1995) - See Rulemaking Update.
- R95-19 In the Matter of: RCRA Subtitle D, USEPA Regulations (January 1, 1995 through June 30, 1995) - See Rulemaking Update.
- R95-20 In the Matter of: RCRA Subtitle C, USEPA Regulations (January 1, 1995 through June

30, 1995) - See Rulemaking Update.

R95-21 In the Matter of: UST Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - See Rulemaking Update.

R95-22 In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - See Rulemaking Update.

---

**FINAL ACTIONS - June 22, 1995 SPECIAL BOARD MEETING**

93-172 Inspiration Development Company v. IEPA - The Board granted voluntary withdrawal of this land permit appeal involving a JoDaviess County facility.

Agency recommendation, the Board granted this DuPage County facility a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes.

95-177 Acme Packaging Corporation v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance from volatile organic material emissions requirements applicable to coating operations in the Chicago metropolitan area of the air pollution regulations, subject to conditions.

AS 95-5

In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard From 35 Ill. Adm. Code 304.124 (Sludge Application) - The Board granted voluntary withdrawal of this petition filed on behalf of a Madison County facility for an adjusted standard from certain of the water pollution control regulations relating to land application of sewage sludge.

95-178 Dreisilker v. IEPA - Upon receipt of an

---

**NEW CASES - June 22, 1995 SPECIAL BOARD MEETING**

95-100 C&S Recycling, Inc. v. IEPA - The Board denied involuntary dismissal of a portion of this petition and requested an amended petition clarifying whether this is a land permit appeal or a petition for a variance from certain of the nonhazardous waste landfill regulations filed on behalf of a Cook County waste transfer facility.

95-173

Chicago-Dubuque Foundry Corporation v. City of East Dubuque - The Board held this citizen's underground storage tank enforcement action against a JoDaviess County facility for a frivolous and duplicitous determination.

95-172 Compost Enterprises, Inc. v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any land permit appeal that may be filed on behalf of this McHenry County facility on or before September 18, 1995.

95-174

Sierra Club, Madison County Conservation Alliance, Jim Bensman v. City of Wood River, Wood River Partners, L.L.C. - The Board accepted this third party appeal of the local siting approval granted this proposed Madison County pollution control facility for hearing.

95-175

People of the State of Illinois v. Polymer

- Color, Inc. - The Board accepted this air enforcement action filed against a McHenry County facility for hearing.
- 95-176 People of the State of Illinois v. Pro-Pak Industries, Inc. - The Board accepted this air enforcement action filed against a DuPage County facility for hearing.
- 95-177 Acme Packaging Corporation v. IEPA - See Final Actions.
- 95-178 Dreisilker v. IEPA - See Final Actions.
- 95-179 Village of Elburn v. IEPA - The Board held this petition filed on behalf of a Kane County facility for a variance from the restricted status requirements of the public water supply regulations as they apply to radium for an Agency recommendation.
- AC 95-45 County of Will v. RWS Development Corporation - The Board received an administrative citation filed against a Will County respondent.
- AC 95-46 County of Will v. William Mintz - The Board received an administrative citation filed against a Will County respondent.
- AC 95-47 IEPA v., Allied Waste Industries of Illinois,
- Inc. d/b/a Streator Area Landfill, Inc. - The Board received an administrative citation filed against a Lee County respondent.
- AC 95-48 Sangamon County v. Town and Country Bank Trust - The Board received an administrative citation filed against a Sangamon County respondent.
- AC 95-49 County of Will v. CDT Landfill - The Board received an administrative citation filed against a Will County respondent.
- AS 95-8 In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard From 35 Ill. Adm. Code 304.124 (Sludge Application) - The Board acknowledged receipt of a petition for an adjusted standard from from certain of the water pollution control regulations relating to land application of sewage sludge and held this matter pending receipt of proof of publication.

---

**FINAL ACTIONS - June 29, 1995 SPECIAL BOARD MEETING**

- 95-183 Commonwealth Edison Company, Fisk, Crawford, Will County and Joliet Generating Stations v. IEPA - Upon receipt of an Agency recommendation, the Board granted four of the petitioner's Cook and Will County facilities a 25-day provisional variance from the effluent temperature standards of the water pollution control regulations and from the Board's variance order in PCB 91-29, subject to conditions, to allow them to continue to operate during a period of peak electrical demands and outages of several of the petitioner's generating units.
- 95-184 City of Georgetown v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Vermilion County facility a 45-day provisional variance from the carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) and total suspended solids (TSS) effluent requirements of the water pollution control regulations, subject to conditions, to allow continued operation during a period of wastewater treatment plant repairs.
- 95-185 Indian Refining Limited Partnership v. IEPA - Upon receipt of an Agency recommendation, the Board granted this

Lawrence County facility a 45-day provisional variance from certain requirements of the air pollution regulations prohibiting air pollution and operation during breakdown or malfunction and pertaining to sulfur dioxide emissions from a mixed-fuel source, subject to conditions, to allow continued operation during a period of petroleum refinery repairs.

- 95-186 A.E. Staley Manufacturing v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Macon County facility a 45-day provisional variance from the carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) and total suspended solids (TSS) effluent requirements of the water pollution control regulations, subject to conditions, to allow the use of a newly-constructed cooling tower.

**NEW CASES - June 29, 1995 SPECIAL BOARD MEETING**

- 95-162 Illinois Landfill, Inc. v. IEPA - Having received a timely filed request for hearing on this petition for an extension of the twelve-month variance from the deadline for filing an application for significant modification under the land pollution control (landfill) regulations that the Board granted this Vermilion County landfill under docket PCB 94-200 on December 1, 1994, the Board accepted this matter for hearing.

- 95-181 People of the State of Illinois v. Kropp Forge, a subsidiary of TIC United Corp. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action filed against a Cook County facility, the Board ordered

- 95-173 Chicago-Dubuque Foundry Corporation v. City of East Dubuque - The Board held this citizen's underground storage tank enforcement action filed against a JoDaviess County facility for a frivolous and duplicitous determination.

- 95-180 People of the State of Illinois v. Archer Daniels Midland Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement filed action filed against a Macon County facility, the Board ordered publication of the required newspaper notice.

publication of the required newspaper notice.

- 95-182 Carl and Edna Ball, d/b/a C & E Recycling and Resource Recovery v. IEPA - The Board accepted this land permit appeal involving a Coles County facility for hearing.
- 95-183 Commonwealth Edison Company, Fisk, Crawford, Will County and Joliet Generating States v. IEPA - See Final Actions.
- 95-184 City of Georgetown v. IEPA - See Final Actions.
- 95-185 Indian Refining Limited Partnership v. IEPA - See Final Actions.
- 95-186 A.E. Staley Manufacturing v. IEPA - See Final Actions.
- 95-187 Liquid Carbonic Industries Corporation v. IEPA - Having received a request for a 90-day extension of time to file, the Board reserved this docket for any underground storage tank fund determination appeal that may be filed on behalf of this Cook County facility on or before September 25, 1995.
- AC 95-35 IEPA v. The Rock Island Bank as Trustee of Land Trust No. 2113 - The Board accepted an appeal requesting a hearing in this administrative citation filed against a Rock Island County respondent.
-

**CALENDAR OF HEARINGS**

All hearings held by the Board are open to the public. Pollution Control Board Meetings (highlighted) are usually open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at 312- 814-6931.

June 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 1 1:00 p.m.	AS 94-3 Air	<u>In the Matter of: Joint Petition of Outboard Marine Corporation (OMC Waukegan Facility) and the EPA for an Adjusted Standard from 35 Ill. Adm. Code 218</u> - Lake County Courthouse, Conference Room C, 10th Floor, 18 North County Street, Waukegan.
June 1 10:00 a.m.	PCB 94-297 A-V	<u>J.M. Sweeney Co. v. EPA</u> - Lake Zurich Village Hall, 70 East Main Street, Lake Zurich.
June 1 1:00 p.m.	PCB 94-370 A-V	<u>The Dow Chemical Company (Dow Joliet Site) v. EPA</u> - Illinois Pollution Control Board, 600 South Second Street, Suite 402, Springfield.
June 6 11:00 a.m.	PCB 95-111 A-V	<u>Thomas Brown (Tom's Corner Facility) v. EPA</u> - Waukegan Public Library, Auditorium, 128 North County Street, Waukegan.
June 8 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago
June 7 10:00 a.m.	R 95-11 R, Land	<u>In the Matter of: Special Waste Hauling Vehicle Numbers: 35 Ill. Adm. Code 809.401</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
June 9 10:00 a.m.	PCB 92-60 UST-FRD	<u>Kean Oil Company v. EPA</u> - McHenry County Government Center, Room B-164, 2200 North Seminary, Woodstock.
June 14 10:00 a.m.	AS 94-19 GW	<u>In the Matter of: Petition of Hepworth U.S. Holdings, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 620.410</u> - LaSalle County Downtown Courthouse, Ottawa.
June 14 1:30 p.m.	R 95-2 R, Air	<u>In the Matter of: Exemptions from the Definition of VOM, U.S. EPA Recommended Policy Amendments (July 1 through December 31, 1994)</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
June 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 21 10:00 a.m.	R 95-11 R, Land	<u>In the Matter of: Special Waste Hauling Vehicle Numbers: 35 Ill. Adm. Code 809.401</u> - Illinois Pollution Control Board, 600 South Second Street, Suite 402, Springfield.

June 22 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago
June 22 10:00 a.m.	PCB 95-97 A-V	<u>Town &amp; Country Gas &amp; Food Mart, Inc. v. EPA</u> - James R. Thompson Center, Room 25, 100 West Randolph Street, Chicago.
June 26 10:00 a.m.	AS 94-4 Air	<u>In the Matter of: Petition of Chase Products Company and the EPA for and Adjusted Standard from 35 Ill. Adm. Code 218, Subpart DD</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
June 28 10:00 a.m.	R 94-34 R, Land	<u>In the Matter of: Landfills, Waste Treatment and Transfer Facilities Located within the 100-Year Floodplains</u> - Illinois Department of Transportation, 1100 EastPort Plaza Dr., IDOT Classroom, Collinsville.
June 29 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago
June 29 10:30 a.m.	AS 91-8 Air	<u>In the Matter of: Petition of Reynolds Metals Company and the EPA for an Adjusted Standard from 35 Ill. Adm. Code 218.980</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
June 30 9:30 a.m.	R 95-14 R, Water	<u>In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Site-Specific Water Quality Regulation: 35 Ill. Adm. Code 302 through 304</u> - Metropolitan Water Reclamation District of Chicago, 100 East Erie Street, Board Room, Chicago.
July 7 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-031, Chicago
July 18 10:30 a.m.	AS 91-8 Air	<u>In the Matter of: Petition of Reynolds Metals Company and EPA for an Adjusted Standard from 35 Ill. Adm. Code 218.980</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
July 19 10:00 a.m.	AC 95-6 AC	<u>EPA v. A-Reliable Auto Parts &amp; Wreckers, Inc. a/k/a Scrap Processors (Blue Island/Scrap Processors)</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
July 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
July 26 1:00 p.m.	AC 95-11 AC	<u>EPA v. Gordon McCann and Larson Foundation (Lincoln/McCann-Larson)</u> - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
July 26 10:00 a.m.	PCB 95-137 L-V	<u>Community Landfill Corporation v. EPA</u> - Grundy County Administrative Center, Boardroom, 1320 Union Steet, Morris.
July 2 10:00 a.m.	AS 94-4 Air	<u>In the Matter of: Petition of Chase Products Company and the EPA for and Adjusted Standard from 35 Ill. Adm. Code 218, Subpart DD</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.

August 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
August 11 10:00 a.m.	PCB 94-244 W-E, Citizens	<u>Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Jack E. Cook, Chairman, Kane County Board, Warren Kammerer, Chairman - Kane County Government Center, Building A, Auditorium, 719 South Batavia Avenue, Geneva.</u>
August 11 10:00 a.m.	PCB 95-116 UST-FRD	<u>Kelley-Williamson Company v. EPA - Boone County Courthouse, Courtroom B, 601 North Main Street, Belvidere.</u>
August 14 11:00 a.m.	PCB 93-191 UST-E	<u>People of the State of Illinois v. Lloyd Weimann d/b/a Weimann Ice &amp; Fuel - Madison County Courthouse, Room 203, 155 North Main Street, Edwardsville.</u>
August 17 10:00 a.m.	PCB 95-174 L-S-R, 3d P	<u>Sierra Club, Madison County Conservation Alliance, Jim Bensman v. City of Wood River, Wood River Partners, L.L.C - Madison County Government Center, Room 203, 157 North Main Street, Edwardsville.</u>
August 18 11:00 a.m.	PCB 95-99 A-V	<u>DRG Medical Packaging, Inc. v. EPA - Libertyville Village Hall, Board Room, 118 West Cook, Libertyville.</u>
August 23 10:30 a.m.	AS 91-13 Water	<u>In the Matter of: Petition of City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - Rock Island City Hall, Council Chambers, 1528 Third Avenue, Rock Island.</u>
August 24 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
August 30 10:00 a.m.	AC 95-4 AC	<u>Montgomery County v. Envotech, Illinois, Inc. (Litchfield/Hillsboro Landfill) - Montgomery County Courthouse, Courtroom 1, 120 North Main Street, Hillsboro.</u>
September 6 10:00 a.m.	PCB 94-238 UST-FRD	<u>Ragulo Gonzalez (Sundance Filling Station) v. OSFM - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.</u>
September 7 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
September 12 9:00 a.m.	PCB 94-157 UST-FRD	<u>Community Trust Bank (Wilson's Service Center) v. EPA - Centralia City Hall, Council Chambers, 222 South Poplar, Centralia.</u>
September 12 10:00 a.m.	PCB 94-369 L-E	<u>People of the State of Illinois v. Landfill 33 Ltd. - Effingham County Office Building, Third Floor, 101 North Fourth Street, Effingham.</u>
September 21 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 5 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

October 19 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
November 2 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
November 16 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 7 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 21 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

Calendar Code

3d P	Third Party Action	A-CA	Administrative Citation
A-E	Air Enforcement	A-SA	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding proceeding (hazardous waste only)
RCRA	Resource Conservation and Recovery Act	S0 <sub>2</sub> S0 <sub>2</sub>	Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

LISTS OF BOARD ADJUSTED STANDARD AND COMBINED SEWER OVERFLOW EXCEPTION FINAL DETERMINATIONS FOR FY95

Section 28.1(d)(3) of the Environmental Protection Act (Act) [415 ILCS 5/28.1(d)(3)] requires the Pollution Control Board (Board) to annually publish a list of adjusted standards granted pursuant to Section 28.1 in the Environmental Register. The following list indicates the adjusted standards granted by the Board during fiscal year 1995.

Direct all inquiries on these proceedings to Michael J. McCambridge, at 312-814-6924. Request copies of any of the Board's opinion and order in any of these proceedings from Victoria Agyeman, at 312-814-3620. Please refer to the docket number indicated for the particular proceeding.

Final Actions Taken by the Pollution Control Board  
in Adjusted Standards Proceedings  
during Fiscal Year 1995  
(between July 1, 1994 and June 30, 1995)

<u>Docket/Docket Title</u>	<u>Final Determination</u>
AS 92-13: <u>In the Matter of: Petition of Alumax Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218</u>	On September 1, 1994, the Board granted this Grundy County facility an adjusted standard from Section 218.986 of the air pollution control regulations pertaining to emissions of volatile organic material from "other emission units".
AS 93-8: <u>In the Matter of: Petition of Akzo Chemicals, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.105 and 302.208</u>	On September 1, 1994, the Board granted this Grundy County facility an adjusted standard from the Section 304.105 and 302.208 general use water quality standards for boron, chloride, sulfate, and total dissolved solids.
AS 94-1: <u>In the Matter of: Petition of Illinois Wood Energy Partners, L.P. for an Adjusted Standard From 35 Ill. Adm. Code 807 or, in the Alternative, a Finding of Inapplicability</u>	On December 1, 1994, the Board found that this proposed Cook County facility would be a solid waste management facility, as defined by the Act and Board regulations; as a result of Wood Energy not filing an amended petition as ordered, the Board dismissed this petition for an adjusted standard from certain of the land pollution control (landfill) permit regulations.
AS 94-9: <u>In the Matter of: Petition of the City of Springfield, Office of Public Utilities for an Adjusted Standard From 35 Ill. Adm. Code 302.208(e)</u>	On December 1, 1994, the Board granted this Sangamon County respondent an adjusted standard from the Section 302.208(e) wastewater effluent boron requirements of the water pollution control regulations.
AS 94-10: <u>In the Matter of: Petition of Envirite Corporation For an Adjusted Standard From 35 Ill. Adm. Code 721, Subpart D: List of Hazardous Substances, Appendix I</u>	On December 14, 1994, the Board granted this Cook County facility an adjusted standard delisting hazardous wastes. On February 16, 1995, the Board granted vacated and reissued its December 14, 1994 order granting an adjusted standard delisting up to 200,000 tons of treated residues from hazardous waste numbers F006 through F009, F011, F012, F019, K002 through K008, and K062.
AS 94-11: <u>In the Matter of: Petition of Winnebago Reclamation Service, Inc. for an Adjusted Standard From 35 Ill. Adm. Code 811.710(c) and 811.713(c)(1)</u>	On December 1, 1994, the Board granted this Winnebago County facility an adjusted standard from Sections 811.710(c) and 811.713(c)(1) of the land pollution control (landfill) financial assurance requirements to allow a form of trust and letter of credit accepted by U.S. EPA.
AS 94-12: <u>In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Sections 807.665(b) and 811.714(b)</u>	On April 6, 1995, the Board granted a number of facilities located throughout Illinois an adjusted standard from Sections 807.665(b) and 811.714(b) of the financial assurance requirements of the land pollution control (landfill) regulations, which require that an insurer providing financial assurance be licensed to transact insurance in Illinois.
AS 94-13: <u>In the Matter of: Petition of</u>	On December 14, 1994, the Board denied the request for an

Browning-Ferris Industries of Illinois, Inc.; Browning-Ferris Industries of Iowa, Inc.; and, BFI Modern Landfill, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Section 811.714(b)

adjusted standard for five facilities located in Lake, Ogle, Rock Island, St. Clair, and DuPage Counties from Sections 807.665(b) and 811.714(b) of the financial assurance requirements of the land pollution control (landfill) regulations, which require that an insurer providing financial assurance be licensed to transact insurance in Illinois.

AS 94-14: In the Matter of: Petition of the City of Wood River For Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a)

On November 3, 1994, the Board granted voluntary dismissal of this petition for an adjusted standard from the first flush treatment requirements and combined sewer overflow provisions of Section 306.305(a) and (b) of the water pollution control regulations, since the Madison County petitioner had not complied with the notice publication requirements.

AS 94-16: In the Matter of: : Petition of the City of Wood River for an Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a) and (b)

On April 6, 1995, the Board granted this Madison County facility an adjusted standard from the first flush treatment requirements of the combined sewer overflow provisions of Section 306.305(a) and (b) of the water pollution control regulations.

AS 94-17: In the Matter of: : The Joint Petition of the City of Metropolis and the EPA for an Adjusted Standard From Suspended Solids, BOD<sub>5</sub> and Ammonia Nitrogen Regulations at 35 Ill. Adm. Code Part 304

On January 11, 1995, the Board dismissed this petition for an adjusted standard from the Part 304 suspended solids and ammonia nitrogen effluent standards of the water pollution control regulations, since the Massac County petitioner had not complied with the notice publication requirements.

AS 95-2: In the Matter of: The Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard From 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD<sub>5</sub>), and Ammonia Nitrogen

On March 16, 1995, the Board dismissed this petition for an adjusted standard from the Part 304 suspended solids, biochemical oxygen demand, and ammonia nitrogen effluent standards of the water pollution control regulations, since the Massac County petitioner had not complied with the notice publication requirements.

AS 95-5: In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard From 35 Ill. Adm. Code 304.124 (Sludge Application)

On June 22, 1995, the Board granted voluntary withdrawal of this petition filed on behalf of a Madison County facility for an adjusted standard from the Section 304.124 requirements of the water pollution control regulations relating to land application of sewage sludge.

---

Final Actions Taken by the Pollution Control Board  
in Combined Sewer Overflow Proceedings  
during Fiscal Year 1995  
(between July 1, 1994 and June 30, 1995)

PCB 86-2: Petition of the City of LaSalle for Exception to the Combined Sewer Overflow Regulations

On November 3, 1994, the Board granted this LaSalle County petitioner an extension of a temporary exception from the prohibition against discharge of combined sewer overflows until December 1, 1995.

PCB 86-4: Petition of the City of Morris for Exception to the Combined Sewer Overflow Regulations

On December 1, 1994, the Board granted this Grundy County facility an exception from the requirements of full treatment for first flush and primary treatment for ten times the average dry weather flow combined sewer overflow provisions of the water pollution control regulations.

---

ENVIRONMENTAL REGISTER MAILING LIST

The Board is updating the mailing list for the Environmental Register. The Board desires to assure that the names of those who desire to receive regular free copies of the Register will appear on the mailing list. If you no longer wish to directly receive regular issues of the Register, please fill out the address label below, indicating your wish, and return it to the Board as soon as possible. If you do not presently receive the Register on a regular basis, please submit the indicated appropriate mailing information below, indicating that you want your name added to the list.

Please return the completed form to:

Victoria Agyeman  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

----- CUT HERE -----  
-----

Environmental Register Mailing List

Name \_\_\_\_\_

Company/Firm Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

\_\_\_\_\_ Yes, I wish to receive regular free copies of the Environmental Register.

\_\_\_\_\_ No, I do not want to receive the Environmental Register; please remove my name from the mailing list.

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 July 1, 1995.

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

\*\* Indicates actions are being taken by officials to bring the public water supply into compliance.

Illinois Environmental Protection Agency  
 Division of Public Water Supplies  
 Restricted Status List-- Public Water Supplies  
 July, 1995

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY NO.</u>	<u>RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Altamont (Effingham Co. - 0170050)	4	Trihalomethane	2,400	06/15/92
Ashley (Washington Co. - 1890100)	6	Trihalomethane	825	06/15/92
Bardolph (McDonough- 1090050)	5	Trihalomethane	299	03/15/95
Bellwood (Cook Co. - 0310150)	2	Radium	20,000	12/14/90
Benld (Macoupin Co. - 1170050)	5	Trihalomethane	2,174	06/16/94
Biggsville (Henderson Co. - 0710050)	5	Radium & Radiological	400	03/17/86
Bond Co. - Royal Lake Wtr Dstrct (0055100)	6	Trihalomethane	228	06/15/92
Bradford (Stark Co. - 1750050)	1	Radium	920	03/17/86
Brownstown (Fayette Co. - 0510100)	6	Trihalomethane	820	06/15/92
Bryant (Fulton Co. - 0570200)	5	Radium & Radiological	310	03/15/95
Buckingham (Kankakee Co. - 0910250)	2	Inadequate Pres. Tank	330	03/17/89
Bunder Hill (Macoupin Co. - 1170100)	5	Trihalomethane	2,550	03/15/95
Bureau Co. - Bailey Sbdv (0115100)	1	Inadequate Pres. Tank	43	01/13/82
Byron (Ogle Co. - 1410100)	1	Radium	2,500	06/15/93
Campus (Livingston Co. - 1050050)	4	Inadequate Pres. Tank	230	03/20/81
** Carroll Co. - Carroll Hts Utl Cmpny (0155200)	1	Inadequate Pres. Tank	80	03/20/81
Carroll Co. - Century Pines Apts (0150020)	1	Inadequate Pres. Tank	50	12/14/90
Cedar Point Wtr Cmpny (LaSalle Co. - 0995040)	1	Radium	800	03/17/86
Champaign Co. - D&R Apts (0190030)	4	Inadequate Pres Tank	26	09/16/93
Coalton (Montgomery Co. - 1350100)	5	Low System Pressure	325	03/20/81
Coffeen (Montgomery Co. - 1350150)	5	Trihalomethane	800	03/17/92
Cook Co. - Mission Brook Sndst (0315920)	2	Radium	3,200	03/14/91
Cook Co. - Orland Hills Sbdv (0317000)	2	Inadequate Pres. Tank	154	08/31/81
Cook Co. - Plum Creek Condos (0317080)	2	Radium	570	03/17/86
Coulterville (Randolph Co. - 1570150)	6	Trihalomethane	1,100	06/15/92
Creal Springs (Williamson Co. - 1990300)	7	Inadequate Treatment Plant & Source	1,020	09/15/89
Crystal Clear Wtr Cmpny (McHenry Co. - 1115150)	2	Inadequate Pres. Tank	900	09/16/88
Cuba (Fulton Co. - 5070300)	5	Trihalomethane	1,440	03/15/95
DeKalb Co. - Buck Lake Ests Sbdv (0375100)	1	Inadequate Pres. Tank	200	09/14/84
DeKalb Co. - DeKalb Univ Dvl Corp (0375148)	1	Inadequate Pres. Tank	950	12/16/92
DePue (Bureau Co. - 0110300)	1	Radium	1,725	09/16/94
DeWitt Co. - DeWitt Cnty Nursing Home (0395129)	4	Inadequate Pres. Tank	80	06/17/83
Dorchester (Macoupin Co. - 1170250)	5	Trihalomethane	531	06/16/94

Dover (Bureau Co. - 0110350)	1	Inadequate Pres. Tank	200	05/25/81
DuPage Co. - Belmont-Highwood PWD (0435180)	2	Trichloroethylene	498	09/16/93
DuPage Co. - Clarendon Wtr Cmpny (0435300)	2	Inadequate Pres. Tank	1,953	03/20/81
DuPage Co. - Ctzn Lombard Heights Dvn (0435700)	2	Inadequate Pres. Tank	980	12/17/82
DuPage Co. - Liberty Park Homeowners Assn (0435600)	2	Inadequate Pres. Tank	1,092	09/17/92
DuPage Co. - Maple Hill Imprv Assn (0435800)	2	Inadequate Pres. Tank	234	08/31/81
DuPage Co. - Metro Util.-Liberty Ridge (0435650)	2	Inadequate Pres. Tank	2,510	03/15/94
DuPage Co. - Northside Peterson Wfnd (0435866)	2	Inadequate Pres. Tank	30	12/15/89
DuPage Co. - Northwest Belmont Imprv Assn (0435900)	2	Inadequate Pres. Tank	115	09/29/81
DuPage Co. - Pleasant Hill Cmnty Assn (0435980)	2	Inadequate Pres. Tank	180	03/17/89
DuPage Co. - Polo Drive & Saddle Rd Sbdv (0437000)	2	Inadequate Pres. Tank	95	12/17/82
DuPage Co. - St Charles Cmsn Wfnd 3 (0437040)	2	Inadequate Pres. Tank	30	12/15/89
DuPage Co. - South Burdette Wtr (0437320)	2	Inadequate Pres. Tank	30	06/16/89
DuPage Co. - York Center Coop (0437550)	2	Inadequate Pres. Tank	240	06/15/88
Eagerville (Macoupin Co. - 1170300)	5	Trihalomethane	187	06/16/94
Ellis Grove (Randolph Co. - 1570200)	6	Trihalomethane	453	12/16/94
Fairview (Fulton Co. - 0570450)	5	Radiological, Radium & Inadequate Pressure Tank	620	03/20/81
Fulton Co. - Dunfermline-St. David Wtr Cmsn (0575150)	5	Trihalomethane	850	03/15/95
Goreville (Johnson Co. - 0870200)	7	Inadequate Treatment Plant & Source	978	09/15/89
Greene Co. - Mt. Gilead Shcrhm (0615129)	6	Inadequate Pres. Tank	28	09/16/83
Grundy Co. - Heatherfield Sbdv (0635150)	2	Inadequate Pres. Tank	91	09/17/82
Grundy Co. - Lisbon North Inc (0631000)	2	Inadequate Pres. Tank	30	09/14/90
Grundy Co. - Ridgecrest North Sbdv (0635250)	2	Inadequate Pres Tank	85	09/16/93
Henry Co. - Hazelwood 1st Addn Well 2 (0735446)	1	Inadequate Pres. Tank	32	09/17/82
Henry Co. - Hazelwood 2nd Addn Well 2 (0735666)	1	Inadequate Pres. Tank	32	09/17/82
Henry Co. - Hazelwood 2nd Addn Well 3 (0735686)	1	Inadequate Pres. Tank	32	09/17/82
Henry Co. - Hazelwood West Sbdv (0735250)	1	Inadequate Pres. Tank	89	03/19/84
Henry Co. - Lake Lynwood Wtr Sys (0735330)	1	Inadequate Pres. Tank	98	08/31/81
Henry Co. - Lynn Cntr (0735100)	1	Inadequate Pres. Tank	147	03/15/95
Henry Co. - Ophiem PWS (0735150)	1	Inadequate Pres. Tank	150	06/18/82
Henry Co. - Osco Mutual Wtr Supply Cpy Inc (0735200)	1	Inadequate Pres. Tank	115	12/15/89
Hettick (Macoupin Co. - 1170500)	5	Atrazine	250	03/15/95
Hillsboro (Montgomery Co. - 1350300)	5	Atrazine & Trihalomethane	7,249	12/16/94
Iroquois Co. - Spring Creek Campground II Inc. (0750030)	4	Inadequate Pres. Tank	--	12/16/91
Island Lake Wtr Cmpny (Lake Co. - 0975080)	2	Iron	2,250	06/15/90
JoDaviess Co. - Bahl Wtr/Pioneer Acres (0855200)	1	Inad. Pres. Storage	700	12/15/93
Kane Co. - Broadview Academy (0895149)	2	Radium	304	09/19/86
Kane Co. - Highland Sbdv (0895530)	2	Inadequate Pres. Tank	50	09/16/83
Kane Co. - Melrose Rental Apts (0895228)	2	Inadequate Pres. Tank	38	03/15/94
Kane Co. - Moecherville Sbdv (0895300)	2	Inadequate Pres. Tank	1,120	03/20/81
Kane Co. - Park View Wtr Corp (0895500)	2	Inadequate Pres. Tank	150	12/17/82
Kane Co. - Pleasant Village (0895228)	2	Inadequate Pres. Tank	N/A	06/18/82
Kane Co. - St Charles Skyline Swr-Wtr Cpy (0895030)	2	Inadequate Pres. Tank	1,300	09/19/86
Kane Co. - Wermes Sbdv (0895750)	2	Inadequate Pres. Tank	150	12/16/88
Kankakee Co. - Good Shepherd Manor (0915189)	2	Inadequate Pres. Tank	140	03/17/89
Kankakee Co. - Olivet Nazarene College (0915279)	2	Inadequate Pres. Tank	1,450	03/15/94
Kankakee Co. - Skyview Sbdv (0915526)	2	Inadequate Pres. Tank	65	09/14/84
Kendall Co. - Bonnie Lane Wtr (0930010)	2	Inadequate Pres. Tank	49	09/16/93
Kendall Co. - Farm Colony (0935140)	2	Radium	25	03/17/86
Kendall Co. - Fox Lawn Util Cmpny (0935150)	2	Radium	240	03/17/86
Kendall Co. - Metro Util Valley Dvn (0935100)	2	Inadequate Pres. Tank	2,200	03/16/90
Kincaid (Christian Co. - 0210250)	5	Trihalomethane	2,285	03/15/95
Kingston Mines (Peoria Co. - 1430450)	5	Radium	350	03/17/86
Kinsman (Grundy Co. - 0630450)	2	Radium	150	03/17/86
Kirkwood (Warren Co. - 1870050)	5	Radium & Radiological	1,008	07/23/93
Ladd (Bureau Co. - 0110450)	1	Radium	1,350	10/04/85
Lake Co. - Acorn Acres Sbdv (0975020)	2	Inadequate Pres. Tank	250	12/16/83
Lake Co. - Bluff Lake Lodges, Inc (0970240)	2	Inad. Pres. Storage	25-200	12/15/93
Lake Co. - Briarcrest Sbdv Hmownrs Assn (0971060)	2	Radium & Gross Alpha	120	12/16/92
Lake Co. - D L Well Owners Assn (0975380)	2	Inadequate Pres. Tank	125	03/18/83
Lake Co. - Echo Lake Block IV Water Assn (0970130)	2	Inadequate Pres. Tank	50	06/15/88
Lake Co. - Echo Lake Wtr Sys Block 7 (0975820)	2	Inadequate Pres. Tank	48	09/16/83

Lake Co. - Elm Oak Mutual Wtr Sys (0975736)	2	Inadequate Pres. Tank & Radium	45	06/13/86
Lake Co. - Forest Lake Addn (0975500)	2	Inadequate Pres. Tank	180	12/16/83
Lake Co. - Glenkirk Campus North (0977189)	2	Inadequate Pres. Tank	64	06/15/88
Lake Co. - Glenkirk Campus South (0977199)	2	Inadequate Pres. Tank	36	06/15/88
Lake Co. - Hawthorn Woods (0970450)	2	Inadequate Pres. Tank	800	03/15/95
Lake Co. - Highland Lake Sbdv (0975750)	2	Inadequate Pres. Tank	294	03/20/81
Lake Co. - Lakewood Wtr Sys (0975400)	2	Inadequate Pres. Tank	49	12/16/83
Lake Co. - Maple Hill Nursing Ctr (0971090)	2	Inadequate Pres. Tank	204	06/15/93
Lake Co. - Sturm Sbdv (0977010)	2	Inadequate Pres. Tank	63	03/16/84
Lake Co. - Summit Homeowners Assn (0975280)	2	Inadequate Pres. Tank	48	03/16/84
Lake Co. - Sylvan Lake 1st Sbdv (0977100)	2	Inadequate Pres. Tank	210	06/14/91
Lake Co. - Towner Sbdv (0977250)	2	Inadequate Pres. Tank	238	01/14/82
Lake Co. - Wadsworth Oaks Sbdv (0977320)	2	Radium	80	09/19/86
Lake Co. - West Shoreland Sbdv (0977050)	2	Inadequate Pres. Tank	220	06/14/91
Lake Co. - Wynstone Wtr Cmpny (0970080)	2	Radium	450	03/15/95
LaSalle Co. - Cedar Point Water Company (0995110)	1	Radiological	19	09/16/94
LaSalle Co. - Four Lakes Sbdv (0995110)	1	Radium	35	09/19/86
LaSalle Co. - Il Prairie Est Sbdv (0995300)	1	Radium	45	06/15/88
LaSalle Co. - Lynnwood Water Corp (0995336)	1	Inadequate Pres. Tank	114	03/18/83
LaSalle Co. - Woodsmoke Ranch Assn (0990030)	1	Inadeq. Pres. Tank & Radium	350	06/15/90
Little York (Warren Co. - 1870100)	5	Radium	356	12/16/91
Livingston Co. - Salem Childrens Hm (1055229)	4	Inadequate Pres. Tank	66	03/18/83
Logan Co. - Bartmann Health Care Center (1075169)	5	Inadequate Pres. Tank	93	12/16/83
London Mills - (Fulton County - 0574620)	5	Inadequate Pres. Tank	670	12/14/84
Lostant (LaSalle Co. - 0990450)	1	Radium & Radiological	550	03/17/86
Macoupin Co. - Palmyra-Modesto Wtr Cmsn (1175150)	5	Atrazine	1,140	03/15/95
Macoupin Co. - RR 1 - Il Wtr Assn (1175260)	5	Trihalomethane	81	06/15/92
Macoupin Co. - Spring Creek Water Assn (1175450)	5	Trihalomethane	60	06/16/94
Macoupin Co. - Staunton Res. Rd Wtr Corp (1175250)	5	Trihalomethane	60	12/16/94
* Madison Co. - Forest Homes-Maple Park PWD (1195100)	6	Trihalomethane	2,000	6/16/95
* Madison Co. - Holiday Shores Sndsst (1135110)	6	Atrazine	2,142	6/16/95
Mapleton (Peoria Co. - 1430500)	5	Radium	1,490	03/17/86
Marseilles (LaSalle Co. - 0990500)	1	Radium	4,811	03/15/95
McDonough Co. - Emmett Util Inc (1095200)	5	Inadequate Pres. Tank	39	12/17/82
McHenry Co. - Community Srvc Corp (1115350)	2	Inadequate Pres. Tank	750	09/16/83
McHenry Co. - Deering Oaks Sbdv (1115200)	2	Inadequate Pres. Tank	60	12/17/82
McHenry Co. - Prairie Ridge Assn (1115730)	2	Inadequate Pres. Tank	140	03/16/90
McHenry Co. - Walk-Up-Woods Wtr Cmpny (1115800)	2	Inadequate Pres. Tank	763	12/17/82
McHenry Co. - Wonder Lake Water Company (1115750)	2	Inadequate Pres. Tank	1,161	06/16/94
McLean Co. - Cropsey Cmnty Wtr (1135150)	4	Inadequate Pres. Tank	60	03/20/81
Media (Henderson Co. - 0710250)	5	Nitrate	150	03/17/86
Mercer Co. - M C L W Sys Inc (1315150)	1	Inadequate Source	100	03/20/81
Mercer Co. - Swedona Wtr Assn (1315200)	1	Inadequate Pres. Tank	100	06/15/90
Modesto (Macoupin Co. - 1170600)	5	Atrazine	240	03/15/95
Monmouth (Warren Co. - 1870150)	5	Radium	9,500	12/15/93
Monroe Co. - Maple Leaf Ests Wtr Corp (1335100)	6	Inadequate Pres. Tank	39	03/20/81
Mount Clare (Macoupin Co. - 1170650)	5	Trihalomethane	858	03/17/92
Mount Olive (Macoupin Co. - 1170700)	5	Trihalomethane	2,380	09/16/94
Naplate (LaSalle Co. - 0990600)	1	Radium	581	03/17/86
* Nauvoo (Hancock Co. - 0670500)	5	Trihalomethane	1,200	8/13/93
Neponset (Bureau Co. - 0110700)	1	Radium	640	09/14/90
Norris (Fulton Co. - 0570750)	5	Trihalomethane	250	12/16/94
Oakland (Coles Co. - 0290300)	4	Trihalomethane	996	12/16/94
Odell (Livingston Co. - 1050550)	4	Radium	1,100	03/17/86
Ogle Co. - Lindenwood Wtr Assn (1415300)	1	Inadequate Pres. Tank	50	01/13/82
Palmyra (Macoupin Co. - 1170800)	5	Atrazine	850	03/15/95
Paris (Edgar Co. - 0450300)	1	Atrazine	8,990	09/16/94
Patoka (Marion Co. - 1210400)	6	Trihalomethanes	820	12/16/92
Peoria Co. - Brookview Sbdv (1435100)	5	Nitrate	300	09/16/93
Peoria Co. - Edelstein Wtr Coop (1435150)	5	Radium & Radiological	115	06/13/86
Peoria Co. - Fahnstock Court Sbdv (1435200)	5	Inadequate Pres. Tank	30	05/25/81
Peoria Co. - Galena Knolls Sbdv (1435300)	5	Nitrate	180	06/15/88
Peoria Co. - Trivoli PWD (1435510)	5	Inadequate Pres. Tank	350	06/17/83
Peoria Co. - Vet's Place Sbdv (1435650)	5	Inadequate Pres. Tank	85	12/16/94

Peoria Co. - Woodland Hts Ests Sbdv (1435760)	5	Inadequate Pres. Tank	245	03/20/81
Ransom (LaSalle Co. - 0990900)	1	Radium	450	03/17/86
Reddick (Kankakee Co. - 0914780)	2	Radium	208	09/16/93
Richview (Washington Co. - 1890500)	6	Inadequate Pres. Tank	592	09/19/86
Rockdale (Will Co. - 1970850)	2	Radium	1,500	03/17/86
Rock Island Co. - Byron Hls Sbdv Well 6 (1617266)	1	Inadequate Pres. Tank	32	12/17/82
Rock Island Co. - Country Club Mnr Well 1 (1617286)	1	Inadequate Pres. Tank	32	01/14/82
Rock Island Co. - Croppers 2nd & 3rd Addn (1615200)	1	Inadequate Pres. Tank	29	12/16/83
Rock Island Co. - Eberts 2nd Addn (1615280)	1	Inadequate Pressure Tank	35	09/15/89
Rock Island Co. - Evergreen Vlg Sbdv (1615310)	1	Inadequate Pres. Tank	250	03/20/81
Rock Island Co. - Larson Court Rentals (1615728)	1	Inadequate Pres. Tank	48	01/14/82
Rock Island Co. - Lemon Street Well Cmpny (1615550)	1	Inadequate Pres. Tank	470	03/20/81
Rock Island Co. - Park Hill Ests Well 1 (1617806)	1	Inadequate Pres. Tank	32	06/18/82
Rock Island Co. - Rock Island Arsn (1615387)	1	Trihalomethane	9,000	06/15/92
Rock Island Co. - Silvis Heights Wtr Corp (1615750)	1	Inadequate Pres. Tank	1,680	03/20/82
Rock Island Co. - Suburban Heights Sbdv (1615800)	1	Inadequate Pres. Tank	114	12/16/83
Rock Island Co. - Tindalls 3rd & 6th Addns (1617376)	1	Inadequate Pres. Tank	28	06/18/82
Rock Island Co. - Turkey Hollow Well Corp (1615686)	1	Inadequate Pres. Tank	32	06/18/82
Rock Island Co. - WSCO Dvl-Ridgewood (1615670)	1	Inadequate Pres. Tank	475	03/20/81
Roseville (Warren Co. - 1870200)	5	Nitrate	1,254	03/17/89
Rosiclare (Hardin Co. - 0690150)	7	Trihalomethane	1,791	09/17/92
Schram City (Montgomery Co. - 1350600)	5	Trihalomethane	690	06/16/94
Scottville RWC (Macoupin Co. - 1170010)	5	Atrazine	510	03/15/95
Shannon (Carroll Co. - 0150300)	1	Nitrate	887	03/15/94
Shipman (Macoupin Co. - 1170950)	5	Trihalomethane	695	06/16/94
Sorento (Bond Co. - 0050300)	6	Atrazine	710	06/15/92
South Wilmington (Grundy Co. - 0630650)	2	Radium	750	03/15/93
Spring Valley (Bureau Co. - 0111000)	1	Radium	5,850	09/17/92
St. Clair Co. - Save Site (1635289)	6	Trihalomethane	375	06/15/92
St. Peter (Fayette Co. - 0510300)	6	Trihalomethane	807	06/15/92
Standard (Putnam Co. - 1550300)	1	Radium	280	09/16/91
Steeleville (Randolph Co. - 1570650)	6	Radium	2,305	03/17/86
Stephenson Co. - Park Crest Wtr Cmpny (1775100)	1	Inadequate Pres. Tank	1,200	09/14/84
Table Grove (Fulton Co. - 0570900)	5	Radium & Radiological	500	03/20/81
Taylor Springs (Montgomery Co. - 1350650)	5	Trihalomethane	671	03/17/92
Tazewell Co. - Beverly Mnr Cntrl Imp Assn (1795120)	5	Inadequate Pres. Tank	525	03/17/89
Tazewell Co. - Beverly Mnr-Grant (1795100)	5	Inadequate Pres. Tank	610	03/20/81
Tazewell Co. - Breezeway Sbdv (1795150)	5	Inadequate Pres. Tank	175	09/17/82
Tazewell Co. - Hickory Hls Sbdv Assn 1 (1795386)	5	Inadequate Pres. Tank	31	06/14/85
Tazewell Co. - Hickory Hls Sbdv Assn 2 (1795396)	5	Inadequate Pres. Tank	30	06/14/85
Tazewell Co. - Mayfair Sbdv (1795750)	5	Inadequate Pres. Tank	150	03/16/90
Tazewell Co. - Oakhaven Sbdv (1795760)	5	Inadequate Pres. Tank	35	05/25/81
Tazewell Co. - Prairie View Wtr Assn (1795900)	5	Inadequate Pres. Tank	55	03/20/81
Union Co. - Lick Creek PWD (1815100)	7	Inadequate Treatment Plant & Source	816	09/15/89
Vernon (Marion Co. - 1210550)	6	Trihalomethane	207	09/16/94
Viola (Mercer Co. - 1310450)	1	Radium	1,144	09/17/92
Westfield (Clark Co. - 0230200)	4	Inadequate Water Source	700	06/15/93
White City (Macoupin Co. - 1171150)	7	Trihalomethane	280	06/15/93
Whiteside Co. - Lakeview Sbdv (1955150)	1	Inadequate Pres. Tank & Nitrate	146	03/20/81
Will Co. - Bel-Air Sbdv (1975130)	2	Inadequate Pres. Tank	91	08/04/81
Will Co. - Clearview Sbdv (1975360)	2	Inadequate Pres. Tank	420	01/13/82
Will Co. - Dixie Dells (1977850)	2	Inadequate Pres. Tank	550	09/17/82
Will Co. - East Moreland Wtr Assn (1975600)	2	Inadequate Pres. Tank	753	03/20/81
Will Co. - Fair Acres Sbdv (1975680)	2	Inadequate Pres. Tank	185	10/19/81
Will Co. - Garden Street Imprv Assn (1975376)	2	Inadequate Pres. Tank	62	09/15/89
Will Co. - Greenfield Cmnty Well Cmpny (1975760)	2	Inadequate Pres. Tank	25	12/16/83
Will Co. - Hillview Sbdv (1975800)	2	Inadequate Pres. Tank	99	03/15/85
Will Co. - Huntley Cmnty Sbdv (1975840)	2	Inadequate Pres. Tank	48	03/16/84
Will Co. - Ingalls Park Sbdv (1975880)	2	Inadequate Pres. Tank	690	09/16/83
Will Co. - Lakewood Shores Imprv Assn (1975930)	2	Radium	93	03/17/86
Will Co. - Oakview Avenue Wtrwks Inc (1977210)	2	Inadequate Pres. Tank	350	03/20/81
Will Co. - Park Road Wtr Assn (1977330)	2	Inadequate Pres. Tank	60	12/17/82
Will Co. - Ridgewood Sbdv (1977650)	2	Inadequate Pres. Tank	315	06/18/82

Will Co. - Scribner Street Sbdv (1977660)	2	Inadequate Pres. Tank	50	03/18/83
Will Co. - Shawnita Trc Wtr Assn (1977690)	2	Inadequate Pres. Tank	125	09/17/92
Will Co. - Sunnyland Sbdv (1977730)	2	Inadequate Pres. Tank	350	09/16/83
Williamson (Madison Co. - 1191100)	6	Trihalomethane	350	06/15/92
Williamson Co. - Devils Kitchen Wtr Dst (1995160)	7	Inadequate Treatment Plt & Source & Trihalomethane	1,330	09/15/89
Williamson Co. - Lake of Egypt PWD (1995200)	7	Inadequate Treatment	7,743	09/15/89
Wilsonville (Macoupin Co. - 1171200)	5	Trihalomethane	609	06/15/92
Winnebago Co. - Blue & Gold Homeowners Assn (2015250)	1	Inad. Press. Tank & Inad. Source of Supply	170	06/17/83
Winnebago Co. - Bradley Heights Sbdv (2015050)	1	Inadequate Pres. Tank	192	09/13/85
Winnebago Co. - Briar Garden Apts (2015190)	1	Inadequate Pres. Tank	60	12/17/82
Winnebago Co. - Cherry Vale East Apts (2015470)	1	Inadequate Pres. Tank	180	01/14/82
Winnebago Co. - Cherry View Apts (2015278)	1	Inadequate Pres. Tank	60	06/17/83
Winnebago Co. - Great Oaks & Beacon Hls Apts (2015488)	1	Inadequate Pres. Tank	943	12/17/82
Winnebago Co. - Larchmont Sbdv (2015290)	1	Inadequate Pres. Tank	106	06/17/83
Winnebago Co. - Legend Lakes Wtr Assn (2015300)	1	Inadequate Pres. Tank	225	03/14/91
Winnebago Co. - The Mill (2010040)	1	Inadequate Pres. Tank	90	12/16/94
Woodford Co. - Oak Ridge Sndst (2035300)	1	Inadequate Pres. Tank	240	03/20/81
Yates City (Knox Co. - 0950700)	5	Radium and Inadequate Pressure Tank	900	03/20/81

Public Water Supplies Removed from Previous List

Arenzville (Cass Co. - 0170050)  
 Blue Mound (Macon Co. - 1150100)  
 Carthage (Hancock Co. - 0670250)  
 Chandlerville (Cass Co. - 0170200)  
 Concord (Morgan Co. - 1370100)  
 Henry (Marshall Co. - 1230050)  
 Henry Co. - Country Ests Sbdv (0735050)  
 Kane Co. - Silver Glen Ests (0890040)  
 New Boston (Mercer Co. - 1310250)  
 Radom (Washington Co. - 1890450)  
 Sims (Wayne Co. - 1910400)  
 South Pekin (Tazewell Co. - 1790650)  
 Vermillion Co. - North Fork Well Assn (1835186)  
 White Hall (Greene Co. - 0610400)  
 Woodland (Iroquois Co. - 0751000)

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 July 1, 1995.

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

\*\* Indicates actions are being taken by officials to bring the public water supply into compliance.

Illinois Environmental Protection Agency  
Division of Public Water Supplies  
Critical Review List -- Public Water Supplies  
July, 1995

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY NO.</u>	<u>RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Baylis (Pike Co. - 1490100)	5	Source Capacity	300	09/13/85
Bluford (Jefferson Co. - 0810100)	7	Low System Pressure	465	03/20/81
Carlyle (Clinton Co. - 0270300)	6	Inadequate Treatment Plant	7,978	12/15/93
Caseyville (St. Clair Co. - 1630250)	6	Low System Pressure	12,338	09/14/84
Clinton (DeWitt Co. - 0390050)	4	Inadequate Plant Capacity	7,437	06/14/91
DePue (Bureau Co. - 0110300)	1	Inadequate Treatment Plant	1,930	12/15/93
Dieterich (Effingham Co. - 0490150)	4	Inadequate Source	568	03/15/94
DuPage Co. - Highland Hls Sndst (0435560)	2	Inadequate Pressure Tank	1,100	09/17/92
Edwardsville (Madison Co. - 1190250)	6	Inad. Treatment Plant	30,581	12/15/93
Evansville (Randolph Co. - 1570250)	6	Plant Capacity	1,838	05/25/81
Georgetown (Vermilion Co. - 1830350)	4	Inadequate Wtr Plant	3,678	06/15/93
Hardin (Calhoun Co. - 0130200)	6	Low System Pressure	1,175	11/25/81
Homer (Champaign Co. - 0190300)	4	Inadequate Source	1,300	03/15/94
Jackson Co. - South Highway PWD (0775400)	7	Low System Pressure	8,189	06/15/92
Kane Co. - Lake Marian Wtr Corp (0895200)	2	Low System Pressure & Inadequate Pres. Storage	800	09/14/84
Kincaid (Christian Co. - 0210250)	5	Plant Capacity	2,640	06/14/85
Lewistown (Fulton Co. - 0570600)	5	Inadequate Source	2,700	06/15/88
McHenry Co. - McHenry Shores Wtr Cmpny (1115020)	2	Low System Pressure	1,170	09/17/92
McHenry Co. - Whispering Hills Wtr Cmpny (1115700)	2	Low System Pressure	6,000	06/15/93
McHenry Co. - Wonder Lake Wtr Cmpny (1115750)	2	Inadequate Storage	1,080	12/14/90
Millstadt (St. Clair Co. - 1630850)	6	Low System Pressure	2,750	12/16/91
North Utica (LaSalle Co. - 0990650)	1	Low System Pressure	3,943	03/18/84
Patoka (Marion Co. - 1210400)	6	Inadequate Treatment Plant	820	12/15/93
Pearl (Pike Co. 1490650)	5	Inadequate Pres. Tank	322	09/17/82
Pecatonica (Winnebago Co. -2010250)	1	Low System Pres.	1,830	06/15/90
* Princeton (Bureau Co. - 0110850)	1	Inadequate Plant Capacity	7,200	6/16/95
Ramsey (Fayette Co. - 0510200)	6	Source Capacity & Low System Pres.	1,350	09/13/85
Richland Co. - West Liberty Dundas Wtr Dist (1595050)	7	Low System Pres. & Inadequate Source	693	12/14/84
Rock Island Co. - Tower Ridge Sbdv (1615780)	1	Inadequate Pres. Tank	70	03/15/94
Stockton (Jo Daviess Co. - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co. - 1010300)	7	Low System Pressure	1,553	12/13/85
Taylor Springs (Montgomery Co. - 1350650)	5	Low System Pressure	650	02/20/81
Walnut Hill (Marion Co. - 1210600)	6	Low System Pressure	1,200	06/14/85
Will Co. - Metro Util Chickasaw Dvn (1975320)	2	Low System Pressure	7,700	09/17/92
<u>Public Water Supplies Removed from Previous List</u>				
Macon Co. - Long Creek Twsp (1155150)				

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF WATER POLLUTION CONTROL  
RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 1995.

Facility names followed by an asterisk (\*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (\*\*) are additions to the list.

REMAINING

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>CAPACITY</u>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities - Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Candlewick Lake STP	Consumer III. Water Co.	Boone	0
Canton - S.S. Surcharging New Salem, 4th Ave., Sycamore, Sycamore Terr., Main Street	City of Canton	Fulton	0
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton STP	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Zurich - Knollwood, Minonski, Main Ls's	Village of Lake Zurich	Lake	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Riverton (Sewer System-Partial)	Village of Riverton	Sangamon	0
Rosewood Heights S.D. - Ninth Street LS**	Rosewood Heights S.D.	Madison	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Virden (Sewer System-Partial)	Virden S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report Stockton STP

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF WATER POLLUTION CONTROL  
CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 1995.

Facility names followed by a double asterisk are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Beecher STP	Village of Beecher	Will***	0	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	0	0
Braidwood STP	City of Braidwood	Will	0	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester	Randolph	26	0
Crest Hill - West STP	City of Crest Hill	Will	0	0
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Derby Meadows Utility Co. STP	Derby Meadows Utility Co.	Will	0	0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	8,461	127
Earlville	City of Earlville	LaSalle	215	0

East Dundee STP	Village of E. Dundee	Kane	983	0
Elkville	Village of Elkville	Jackson	6	0
Elmhurst	City of Elmhurst	DuPage	0	49
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	118	0
Herrin	City of Herrin	Williamson	***	74
Herschler	Village of Herscher	Kankakee	365	0
Highland STP	City of Highland	Madison	830	0
Hoopeston	City of Hoopeston'	Vermilion	0	92
Kildeer-Bishop-Ridge STP	Village of Kildeer	Lake	40	0
CLPWD-Deerfield Rd. Interceptor	County of Lake Public Works Department	Lake	***	0
CLPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	248	0
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	2,296
Manhattan	Village of Manhattan	Will	87	87
Milan	Village of Milan	Rock Island	1,122	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Mundelein STP	Village of Mendelein	Lake	900	0
O'Fallon	City of O'Fallon	St. Clair	35	452
Orangeville	Village of Orangeville	Stephenson	0	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	370	0
Rock Island (Main)	City of Rock Island	Rock Island	5,001	0
Round Lake-Rosewood Sewage Pumping Station**	Village of Round Lake	Lake	97	0
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report None

\*\*\*Contact IEPA - Permit Section

**ILLINOIS POLLUTION CONTROL BOARD  
PHOTOCOPYING FEES/DOCUMENT DISTRIBUTION  
POLICY**

It has become necessary, effective August 1, 1995 to raise the per page rates for IPCB documents to better reflect the actual costs of reproduction and distribution. Significant resources, both human and material, are expended to locate, photocopy and in the case of those wanting to pay later for copies received, the resources required to maintain a billing system. Your understanding will be appreciated.

The IPCB's revised rates/policy are as follows:

- ◆ A single opinion and order will be furnished on request without cost, irrespective of length, with the dissenting and/or concurring opinion(s). Requests for multiple opinions and orders are 75 cents per page.
- ◆ Hearing Transcripts are 75 cents per page.
- ◆ All other documents are 75 cents per page.
- ◆ The following State Agencies are, upon request, provided copies of opinions and orders and transcripts free of charge:

Illinois Attorney General's Office (AG)  
Illinois Environmental Protection Agency (IEPA)  
Illinois Department of Natural Resources (DNR)

- ◆ Requests for copies will be honored in as timely a manner as possible. Requests for copies by mail will be honored. The Board reserves the right to add a postage charge to large bulk mailings.

Printed by Authority of the State of Illinois, June-July, 1995, 2,000 copies, order #57701.

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

The Board Members are:

Claire A. Manning, Chairman  
Springfield, Illinois

Emmett E. Dunham II  
Elmhurst, Illinois

Ronald C. Flemal  
DeKalb, Illinois

G. Tanner Girard  
Grafton, Illinois

Marili McFawn  
Palatine, Illinois

J. Theodore Meyer  
Chicago, Illinois

Joseph Yi  
Park Ridge, Illinois

The Environmental Register is a newsletter published by the Board monthly. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

Illinois Pollution Control Board  
State of Illinois Center, 11-500  
100 West Randolph Street  
Chicago, Illinois 60601  
(312) 814-3620

Address Correction Requested.

Bulk Rate  
U.S. Postage  
PAID  
Chicago, IL  
Permit No.2088