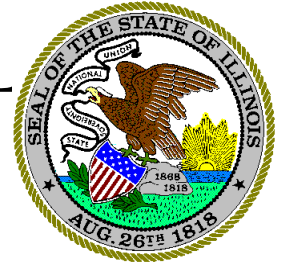


# ENVIRONMENTAL REGISTER

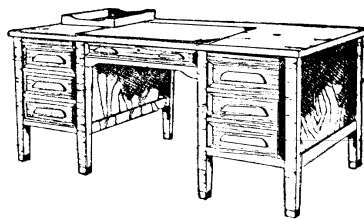


No. 502 ♦ A Publication of the Illinois Pollution Control Board ♦ March, 1996

## LEGISLATIVE UPDATE

### Governor Signs Repeal Of Retail Rate Law/Abolishes Subsidy For Waste Incinerators

On March 14, 1996, Governor Edgar signed HB 1523 into law as Public Act 89-448. P.A. 89-448, which took effect the day the Governor signed it, abolished the state's Retail Rate Law for all waste incinerators; the Retail Rate Law remains in place for landfills that generate and recover methane. The state's Retail Rate Law, first passed in 1987 to assist poorer communities such as the Village of Robbins in south suburban Cook County with economic development, required public electric utilities to purchase electricity generated by waste-to-energy facilities (incinerators and landfills that recover methane) at the higher rate of what it cost the waste facilities to generate the electricity, as opposed to the *(Cont'd on p.2)*



### Message From The Desk Of The Chairman

As Chairman of the Illinois Pollution Control Board, I am often faced with the responsibility of providing information to the public on the authority, proceedings and duties of the Board. One aspect that groups and individuals often ask about is the Board's appellate record. I am always happy to give this kind of information as it is a good indicator of the consistency and clarity of the Board's decisions, and I am proud to offer you the following summary of the Illinois Pollution Control Board's appellate record. *(Cont'd on p. 7)*

## RULEMAKING UPDATE

### Part I 15% ROP Cleanup Amendments Adopted, R96-2

The Board adopted Part I cleanup amendments to the 15% reduction of pollution (ROP) plan regulations on February 1, 1996. The amendments changed the 15% ROP plan to revise the annual deadline for compliance with the 7.2 pounds per square inch (psi) Reid vapor pressure (RVP) requirement for certain gasoline suppliers from May 1 to June 1. The Board adopted the 7.2 psi RVP requirements as a portion of the Part I 15% ROP rules on September 15, 1994. *(See issue 486, Sept., 1994.)* The presently-proposed cleanup amendments made an emergency rule that delayed the annual effective date, of February 23, 1995, in R95-10, into a permanent rule. The second change was to correct the identification *(Cont'd on page 8)*

### **BOARD UPDATES PRO BONO ATTORNEY LIST**

The Illinois Pollution Control Board maintains a list of pro bono attorneys for individuals that request such assistance. To be added to this list, please contact the Clerk of the Board, Dorothy Gunn, at (312)814-6931 (internet address [dgunn@pcb016r1.state.il.us](mailto:dgunn@pcb016r1.state.il.us)).

### Inside This Issue

♦ For Your Information	p2
♦ Rulemaking Update	p8
♦ Final Actions	p11
♦ New Cases	p12
♦ Calendar of Hearings	p14

## **LEGISLATIVE UPDATE** (Cont'd)

lower "avoided" rate of what it cost the electric utility to generate the same amount of electricity. (The federal PERPA law already requires electric utilities to purchase electricity from such facilities, but only at the lower avoided cost.) Under the Retail Rate Law, the utilities required to purchase this electricity would be held harmless through a state income tax credit equal to the difference between the higher and lower rate. The law then provided that the State be reimbursed by the waste-

to-energy facility for the cost of the tax credit, but only after all of the facility's capital costs had been retired.

Estimates of the cost to the state of continuing the Retail Rate Law had run as high as \$4 billion over the 20-year period the state would be required to pay the tax credit. With this in mind, supporters of the repeal contend the passage of HB 1523 will save the state as much as \$4 billion over the next several years, based on the large number of facilities proposed to be built in Illinois in the near future. Incinerators will still be allowed to be constructed in Illinois, albeit without the benefit of the state subsidy.

## **FOR YOUR INFORMATION**

### **USEPA Approval of Alumax SIP Adjusted Standard (AS 92-13)**

On February 1, 1996 (61 Fed. Reg. 3575), USEPA published a direct final rule approving the state implementation plan (SIP) revision embodied in an adjusted standard. The Board granted Alumax, Inc. Morris, Illinois hot and cold aluminum rolling facility the adjusted standard from certain of the volatile organic material (VOM) emission requirements of the air pollution control regulations on September 1, 1994, in docket AS 92-13. The adjusted standard granted the relief from the requirement that Alumax reduce 81 percent of its uncontrolled VOM emissions. The adjusted standard replaced the generally-applicable regulation with lubricant selection and operating temperature requirements and imposed certain monitoring requirements. The SIP approval becomes effective April 1, 1996 unless withdrawn prior to that time. The associated notice of proposed amendments appeared in the same issue of the Register (61 Fed. Reg. 3631)◆

### **BAN ON LEADED MOTOR FUEL**

On February 2, 1996 (61 Fed. Reg. 3837), USEPA amended its fuels and fuel additives regulations to ban lead as a motor fuel additive, effective January 1, 1996. The regulations now do not allow the introduction of any fuel with added lead or a lead content of more than 0.05 grams per gallon. The action also repealed the former recordkeeping and reporting requirements for refiners and importers and the requirement that automobile manufacturers place labels near the fill tube and on the dashboard of cars that says "unleaded fuel only".

USEPA adopted this direct final rule, which becomes effective March 4, 1996 unless earlier withdrawn, as a result of the January 1, 1996 ban imposed by the Clean Air Act, as amended in 1990. The associated notice of proposed amendments appeared on the same date (61 Fed. Reg. 3894).

(Note: As this issue was prepared for press, USEPA had withdrawn that aspect of this repeal relating to the unleaded fuel fill-tube restriction requirement in response to public comments adverse to its repeal. See 61 Fed. Reg. 8221 (Mar. 4, 1996).◆

### **EXEMPTION OF PERCHLOROETHYLENE FROM THE DEFINITION OF VOM**

On February 7, 1996 (61 Fed. Reg. 4588), USEPA exempted perchloroethylene from the 40 CFR 51.100(s) definition of volatile organic compound (called volatile organic material or VOM under the Illinois regulations). USEPA exempted perchloroethylene due to its negligible photochemical reactivity--i.e., it participates only minimally in the photochemical reactions that form tropospheric ozone. USEPA stated that perchloroethylene is less reactive than ethane, another, previously exempted compound. As an exempt compound, states will not be allowed to apply reductions in perchloroethylene emissions as reductions in ozone precursor emissions under their ozone state implementation plans (SIPs).

USEPA took the action of exempting perchloroethylene on a petition filed January 28, 1992 by the Halogenated Solvents Industry Alliance (HSIA). The petition cited USEPA's October 24, 1983 proposal (48 Fed. Reg. 49097) to exempt perchloroethylene from regulation as an ozone precursor in technical support of the exemption.

In exempting perchloroethylene from the definition of VOM, USEPA noted that it was listed as a hazardous air pollutant (HAP) under section 112(b) of the Clean Air

Act (CAA), and the USEPA has established national emission standards for hazardous air pollutants (NESHAPs) for it for two source categories: perchloroethylene dry cleaning (58 Fed. Reg. 49354, Sept. 22, 1993) and halogenated solvent cleaning (59 Fed. Reg. 61801, December 2, 1994). USEPA stated that it intends to establish NESHAP limitations for this material for other source categories.

USEPA established its "Recommended Policy on the Control of Volatile Organic Compounds" on July 8, 1977 (42 Fed. Reg. 3513). USEPA amended the policy to add additional exempted compounds on June 4, 1979 (44 Fed. Reg. 32042), May 16, 1980 (45 Fed. Reg. 32424), July 22, 1980 (45 Fed. Reg. 48941), January 18, 1989 (54 Fed. Reg. 1988), and March 18, 1991 (56 Fed. Reg. 11418). USEPA codified the policy in a definition of "volatile organic compound" at 40 CFR 51.100(s) on February 3, 1992, and subsequently amended the definition to exempt additional compounds on October 5, 1994 (59 Fed. Reg. 50693), June 16, 1995 (60 Fed. Reg. 31633), and February 7, 1996 (61 Fed. Reg. 4588).

(Note: The update period in which this action falls is January 1 through June 30, 1996. Normally, the Board will not initiate identical-in-substance action until after the end of the update period, in late August or early September, 1996, unless unusual action is taken in response to a public request.♦)

## STRATOSPHERIC OZONE: SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP)

On February 8, 1996 (61 Fed. Reg. 4736), USEPA expanded the list of acceptable substitutes for ozone-depleting substances under its Significant New Alternatives Policy (SNAP) program and clarified amendments it made on June 13, 1995 (60 Fed. Reg. 31092). The amendments are embodied in a table that will not appear in the Code of Federal Regulations. USEPA established procedural rules for the SNAP program on March 18, 1994 (59 Fed. Reg. 13044) and published previous notices on August 26, 1994 (59 Fed. Reg. 44240), January 13, 1995 (60 Fed. Reg. 3318), and July 28, 1995 (60 Fed. Reg. 38729). USEPA adopted a rule that restricts the use of certain substitutes on June 13, 1995 (60 Fed. Reg. 31092) and proposed amendment of those rules on October 2, 1995 (60 Fed. Reg. 51383).

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. USEPA evaluates risks to human health and the environment in assembling the listings. USEPA does not believe that rulemaking procedures and codification is

necessary to implement its acceptable substitutes decisions. The most recent listing includes only new determinations; it does not include previously-determined substitutes.♦

## ORGANIC EMISSIONS FROM HAZARDOUS WASTE TANKS, CONTAINERS, AND SURFACE IMPOUNDMENTS: SUBPART CC RULES

On February 9, 1996 (61 Fed. Reg. 4903), USEPA adopted technical amendments to the 40 CFR 264, Subpart CC and 265, Subpart CC standards for emission of organic material from hazardous waste tanks, containers, and surface impoundments, also called the "Subpart CC rules". USEPA explained that the amendments clarified the regulatory text of the rules, corrected typographical and grammatical errors, and clarified segments of the preamble discussion in the Federal Register.

USEPA originally adopted the Subpart CC rules on December 6, 1994 (59 Fed. Reg. 62896), to become effective June 6, 1995. Confronted with criticism of the rules, USEPA stayed the compliance deadline for certain interim actions in the rules for six months on May 19, 1995 (60 Fed. Reg. 26828), until December 6, 1995. On September 29, 1995 (60 Fed. Reg. 50426), USEPA indefinitely stayed the Subpart CC regulations as they would apply to organic peroxide manufacturing processes. Again, on November 13, 1995 (60 Fed. Reg. 56952), USEPA further delayed the interim compliance deadlines of the Subpart CC rules by another six months, until June 6, 1996. USEPA did not affect the December 8, 1997 deadline for ultimate compliance with the organic material emission requirements of the rules in either of the six month stays.

USEPA invited comments on the rules on August 14, 1995 (60 Fed. Reg. 41870), and stated in adopting the corrective and clarifying amendments that it will complete its evaluation of the comments received early this year. USEPA will publish a notice in the Federal Register that explains if and how it will amend the Subpart CC rules in response to the comments received. As things presently stand, however, the federal Subpart CC rules will become effective for all entities (excluding tanks, containers, and surface impoundments containing organic peroxide manufacturing waste) on June 6, 1996, with all entities required to install emission controls by December 8, 1997.

(Note: The Board adopted the initial Subpart CC rules and the first stay (until December, 1995) on June 1 and 16, 1995, in docket R95-4/R95-6. The Board proposed amendments on February 1, 1996 in docket R95-20 that would incorporate the September 29, 1995 indefinite organic peroxide stay and the second six-month stay of

May 19, 1995. In incorporating the stays and in anticipation of federal changes, the Board added notes to the rules that indicated its intent that the Illinois regulations have no more effect than their federal counterpart.

(Note: The update period in which this action falls is January 1 through June 30, 1996. Normally, the Board will not initiate identical-in-substance action until after the end of the update period, in late August or early September, 1996, unless unusual action is taken in response to a public request.♦

## FEDERAL WATERSHED EFFLUENTS TRADING POLICY

On February 9, 1996 (61 Fed. Reg. 4994), USEPA published its Effluent Trading in Watersheds Policy Statement. This statement responded to the March, 1995 presidential "Reinventing Environmental Regulation". That report identified a policy of trading in effluent within watersheds as one of the top 25 priority actions. In response, the nonbinding policy statement explains several types of effluent trading and outlines how USEPA will encourage trading. USEPA stated that a source must remain in compliance with technology-based standards to take advantage of effluent trading. It anticipates that most trades will be based on watershed analysis, such as total maximum daily loads. Sources within the watershed would be able to barter or trade excess pollutant reductions with other sources. An equivalent or better reduction would have to result from the trade. The types of trading that USEPA foresees are intra-plant trading, pretreatment trading, point source trading, and nonpoint source trading. USEPA outlined 17 areas where it has experimented with effluent trading. These included the Fox River in Wisconsin, where point source trading occurred for BOD and nutrients, and intraplant trading for BOD, TSS, zinc, and lead in the steel industry. The trading also included wetlands trading in Arkansas and Maryland.♦

## UIC LDR EXEMPTION FOR CABOT CORP

On February 9, 1996 (61 Fed. Reg. 4996), USEPA granted a reissuance to the Cabot Corp. Tuscola Cab-O-Sil Division of an exemption from the underground injection control (UIC) land disposal restrictions (LDRs). The exemption allows the continued use of well numbers 1 and 2 and the addition of well number 3 to inject restricted wastes. The decision to re-issue the exemption was based on the demonstration to a reasonable degree of certainty that no migration of waste would occur from the injection zone within 10,000 years. The injected wastes include D002 hydrochloric acid and wastewaters contaminated with hydrochloric acid; a F039

leachate contaminated with 1,1-dichloroethylene, 1,2 dichloroethylene, methylene chloride, phenol, tetrachloroethylene, and trichloroethylene; and spent acetone. Conditions imposed on the exemption include a 400 g-d-lon per minute monthly average injection rate, restriction of the contaminant levels in the injected wastes, and restriction as to the injected strata and injection depths.

(Note: AS 96-3, presently pending before the Board pertains to this relief from the corresponding state UIC regulations. Cabot previously obtained an adjusted standard pertaining to its well numbers 1 and 2 on February 17, 1994 in docket AS 92-8.♦

## CORRECTIONS AND TECHNICAL AMENDMENTS TO INDUSTRIAL STORMWATER GENERAL NPDES PERMIT; EXTENSION OF TIME TO FILE NOTICE OF INTENT

On February 9, 1996 (61 Fed. Reg. 5248), USEPA published corrections and technical amendments to the "Final National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities" (MSGP) that appeared in the September 29, 1995 Federal Register (60 Fed. Reg. 50804). In publishing the corrections and technical corrections, USEPA extended the time for existing facilities to decide to seek coverage under the MSGP or the general baseline permit (57 Fed. Reg. 41236, Sept. 9, 1992) and file a Notice of Intent (NOI) until March 29, 1996. Facilities seeking coverage under the MSGP must develop and implement stormwater pollution prevention plans (SWPPPs) by September 25, 1996. Facilities seeking coverage under the baseline general permit remain unchanged, so that these facilities need to implement their SWPPPs prior to the deadline for the NOI.

The September 29, 1995 MSGP governs stormwater discharges associated with industrial activity, including discharges through large and medium municipal separate stormwater sewer systems. Included in the permit are discharges from a myriad of industrial facilities in 29 categories. Included in the general permit are effluent limitations, permit conditions, and compliance options for each of the categories.

USEPA established its definition of "storm water discharge associated with industrial activity" on November 16, 1990 (55 Fed. Reg. 47990), along with permit application requirements for such discharges. USEPA allowed three permit options: individual permit applications, participation in a group permit application (the MSGP), or coverage under a general permit. The MSGP applications were due in separate segments, with the Part 1 application due on September 30, 1991 and Part 2 due on October 1, 1992. The general permit issued was the

result of the 1,200 group Part 1 permit applications received to cover 60,000 facilities. The permit covers sources in states that are not fully authorized to issue NPDES permits. It does not apply to sources in Illinois, since Illinois is NPDES-authorized. However, USEPA encourages the authorized states to use the general permit if they have the authority to do so.

USEPA estimated that nationwide there are about 100,000 facilities that discharge stormwater associated with industrial activity. Due to the administrative burden of permitting these facilities, USEPA is pursuing a tiered approach. Under Tier I, baseline permitting, USEPA will issue one or more general permits to cover the majority of the discharges. Under Tier II, watershed permitting, USEPA will target watersheds adversely impacted by the discharges and issue the necessary general permits on a watershed-specific basis. USEPA will issue industry-specific general permits under Tier III, industry-specific permitting. Finally, Tier IV, facility-specific permitting, will target specific facilities for permitting. USEPA issued the general permit in implementing Tier I. ♦

## EXEMPTION OF CHICAGO OZONE NON-ATTAINMENT AREA FROM NO<sub>x</sub> TRANSPORTATION CONFORMITY REQUIREMENTS

On February 12, 1996 (61 Fed. Reg. 5291), USEPA adopted an exemption for the Chicago ozone nonattainment area from the nitrogen oxides (NO<sub>x</sub>) transportation conformity requirements. As a result of this exemption, Illinois will not need to demonstrate that transportation projects in the Chicago Metropolitan area will result in lowered ozone levels.

Under section 176(c)(3)(A)(iii) of the Clean Air Act (CAA), a state must make a demonstration of the conformity with the applicable ozone and/or carbon monoxide SIP for each transportation plan and transportation improvement program (TIP) in a nonattainment area. The state may not build the project unless implementation of the TIP will result in lowered vehicle emissions than those in the 1990 base-line inventory. Section 182(b)(1) requires the state to submit plans for annual reductions in volatile organic compound (VOC) and NO<sub>x</sub> emissions in the nonattainment areas. However, § 182(b)(1) further provides that the requirement does not apply to NO<sub>x</sub> emissions in areas for which USEPA determines that further reductions in NO<sub>x</sub> emissions would not contribute to ozone attainment.

Illinois submitted a request for a NO<sub>x</sub> exemption under § 182(b)(1) on June 20, 1995. The request was based on the urban airshed model conducted from the Lake Michigan Ozone Study (LMOS). Under that study, pro-

jected ozone levels for NO<sub>x</sub> emissions controls only were higher than those for VOC-only control or NO<sub>x</sub> and VOC control scenario projections. The study further indicated that peak ozone concentrations were lowest with VOC-only controls (i.e., no NO<sub>x</sub> controls). Based on the study submitted, USEPA concluded that NO<sub>x</sub> controls would exacerbate the Chicago area's ozone problems. Therefore, USEPA granted the SIP revision for the transportation conformity waiver request. USEPA stated that the modeling indicates that NO<sub>x</sub> controls are necessary for rural Illinois areas, but not for the Chicago area, and would not likely be applied to ground-level NO<sub>x</sub> sources.

USEPA stated that the continued approval of the exemption is contingent on the results of ongoing modeling, including an attainment demonstration and plan for the Chicago area. The attainment plan will supersede the initial modeling results as the basis for the waiver. If the plan relies on mobile source emissions controls to achieve compliance, USEPA will reconsider the NO<sub>x</sub> exemption; if Illinois does not use mobile source controls, the exemption will continue.

(Note: On January 26, 1996 (61 Fed. Reg. 2428) USEPA granted a Clean Air Act (CAA) § 182(f) exemption from the reasonably available control technology (RACT), new source review (NSR), vehicle inspection and maintenance (I/M), and conformity requirements for nitrogen oxides (NO<sub>x</sub>). The covered area includes portions of Illinois, Indiana, Michigan, and Wisconsin that bound Lake Michigan. Generally, the NO<sub>x</sub> requirements apply in ozone nonattainment areas. The NSR, RACT, I/M, and conformity requirements apply to major stationary sources of NO<sub>x</sub> in these areas. See issue 501, Feb., 1996.) ♦

## SIP APPROVAL OF PART IV 15% ROP PLAN (R94-21)

On February 13, 1996 (61 Fed. Reg. 5511), in a direct final rule, USEPA approved the Part IV 15 percent rate of progress plan (15% ROP) amendments adopted by the Board on April 20, 1995 and submitted to USEPA by the Agency on May 5 and 26, 1995. The Agency had submitted its Part IV proposal to the Board, docketed as R94-21, on September 12, 1994. The Board conducted hearings on the proposal in Chicago on November 4 and December 2 and 16, 1994. The state implementation plan (SIP) revision approval will go into effect on April 15, 1996 unless expressly withdrawn before that time. The associated notice of proposed amendments appeared in the same issue of the Federal Register (61 Fed. Reg. 5526).

The estimated reduction in volatile organic material (VOM) emissions through the Part IV amendments is estimated at 10.16 tons per day (tpd) in the Chicago area and 0.39 tpd in the metropolitan East St. Louis area. They will go into effect on March 15, 1996. The Part IV 15% ROP regulations lower the allowable 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 regulations also impose reductions in VOM emissions from sources in the automotive/transportation and business machine plastic parts coating categories that exceed specified emissions levels. The regulations further make the VOM emissions limits applicable to wood furniture coating operations at a lowered threshold. The Part IV regulations also require specified controls on synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes and on bakery industry ovens. Finally, the amendments make a number of minor amendments and corrections to the regulations, largely in response to comments submitted by USEPA and affected entities.

USEPA approved the SIP revision although the rules included an exemption for touchup and repair coatings, stating that this type of exemption is acceptable under its VOM policy. USEPA concluded that the Part IV 15% ROP rules included all necessary test methods and recordkeeping and reporting requirements to constitute an enforceable SIP.

### NONCONFORMING IMPORTED VEHICLES REQUIRED TO COMPLY

On February 14, 1996 (61 Fed. Reg. 5840), USEPA amended its vehicle emission regulations. Under section 203(a)(1) of the Clean Air Act prohibits the importation of vehicles not covered by a certificate of conformity, except under USEPA regulations. 40 CFR 85, subpart P includes rules for importation of such nonconforming vehicles. USEPA proposed amendments to those rules on March 24, 1994 (59 Fed. Reg. 13912) to respond to new information about nonconforming vehicle imports and to changes in the 40 CFR 86 vehicle certification standards. Other proposed amendments were directed at clarifying the importation rules and reflecting current policies. The segment of those amendments that USEPA actually adopted require nonconforming light-duty vehicles and light-duty trucks to meet the vehicle emission standards applicable in the year they were manufactured. USEPA stated that it adopted this segment of the proposed amendments to avoid detrimental effects on independent commercial importers.

### TOXIC SUBSTANCES REPORTING FOR 28 NEW COMPOUNDS

On February 28, 1996 (61 Fed. Reg. 7421), USEPA adopted amendments to the Toxic Substances Control Act (TSCA) reporting requirements that add 28 new chemical compounds. The 28 compounds are alkyl phenols and alkyl phenol ethoxyates added to the TSCA Section 4(e) Priority List, as recommended in the Inter-agency Testing Committee's (ITC's) 37th Report to USEPA. USEPA added the compounds to two reporting rules: the TSCA Section 8(a) Preliminary Assessment Information Rule (PAIR) and the Section 8(d) Health and Safety Data Reporting Rule. Manufacturers, importers, and processors of the affected compounds must now report certain production, use, and exposure-related information on the chemicals. USEPA estimated that 17 firms at 14 sites are affected by these amendments and that the annual costs of compliance would be \$94,343 for the government and \$84,954 for the 17 firms. An accompanying amendment to the TSCA Section 8(d) reporting rule will require submission of ecological data on a previously-added alkyl phenol.

### DRAFT CANCER DOSE - RESPONSE ASSESSMENT FOR PCBs AVAILABLE

On February 28, 1996 (61 Fed. Reg. 7517), USEPA announced the availability of a draft study, "PCBs Cancer Dose-Response Assessment and Assessment and Application to Environmental Mixtures, External Review Draft (EPA/600/p-96/001A)", prepared by the National Center for Environmental Assessment (NCEA). USEPA stated that the external draft is available for review purposes only, and it does not reflect current USEPA policy because it has not yet undergone peer review. USEPA made the document available due to the level of public interest. USEPA intends to convene a peer-review panel in Spring, 1996 to review the report, with the final report anticipated by September 1, 1996.

### COMPLIANCE DEADLINES EXTENDED FOR TWO NESHAPS

On February 29, 1996, in two separate direct final rulemakings (61 Fed. Reg. 7716 & 7718), USEPA extended compliance deadlines for two national emissions standards for hazardous air pollutants (NESHAPs). In the first action, USEPA extended the April 22, 1996 deadline for implementation plan submittal for the synthetic organic chemical manufacturing industry (SOCMI) NESHAP until December 31, 1996. USEPA stated that it extended the deadline for that rule originally adopted April 10, 1995 (60 Fed. Reg. 18021) in anticipation of

further revision. Additional amendments clarified the documentation requirements. A notice of proposed amendments appeared in the same issue of the Federal Register (61 Fed. Reg. 7761).

In the second action, USEPA extended the compliance deadline for the leak provisions of the December 14, 1994 (59 Fed. Reg. 64303) gasoline distribution NESHAP from December 14, 1995 to December 15, 1997. Covered facilities are given until December 16, 1996 or until one year from when they first become subject to the NESHAP to notify USEPA of their regulatory status under the NESHAP. USEPA had proposed delay in the compliance deadline on December 8, 1995 (60 Fed. Reg. 62991). (See issue 501, Feb., 1996)

### REFRIGERANT RECYCLING AND PURITY REQUIREMENTS

On February 29, 1996, USEPA undertook two separate actions relating to recycled refrigerant quality standards. In a direct final rule (61 Fed. Reg. 7724), USEPA extended the effectiveness of the refrigerant purity requirements of the Clean Air Act (CAA) section 608 refrigerant recycling regulations. The recycled refrigerant quality standards are part of the May 14, 1993 (58 Fed. Reg. 28660) program for recycling and recovery of ozone-depleting refrigerants. The extended regulations set forth quality standards for the sale of used refrigerant. Formerly scheduled to expire on March 18, 1996, the effectiveness of the standards was extended until December 31, 1996. A notice of proposed amendments appeared in the same issue of the Federal Register (61 Fed. Reg. 7762).

USEPA extended the rules in response to requests from the air-conditioning and refrigeration industry out of their concern over possible contamination of the stock of chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) available. The production of these chemicals is banned under the CAA and 40 CFR 82 out of concern over their potential to deplete stratospheric ozone, so replacement of these compounds in commerce is dependent on recycled material. (See issue 495, June, 1995.) USEPA stated that it is in the process of developing newer, more flexible standards, but it will not be able to complete that proceeding prior to the former March 18, 1996 expiration date.

The second action (61 Fed. Reg. 7857) was the proposal of those more flexible quality standards. USEPA described the proposed amendments as intended to offer more flexibility where refrigerant is transferred, to institute a third-party certification program for reclaimers and laboratories, to amend the technician certification recordkeeping requirements, and to clarify

aspects of the sales restriction. Among associated proposed amendments USEPA would also revise the testing requirements for recycling and recovery equipment, clarify the distinction between "major" and "minor" equipment repairs, provide greater flexibility to refrigeration equipment technicians, and streamline various existing requirements of the program

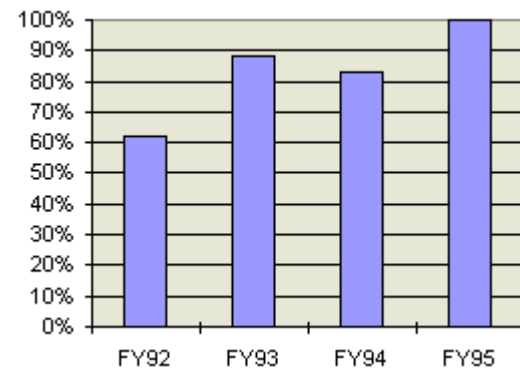
## FROM THE DESK OF THE CHAIRMAN

(Cont'd from p.1)

### BOARD ANNOUNCES IMPROVEMENT IN APPELLATE RECORD

Statistically, the Board's record has vastly improved over the years. In FY92, seventeen (17) cases were appealed and 62% of the Board's decisions were either affirmed, affirmed in part or dismissed. In FY93, seventeen (17) cases were again appealed and 88% of the Board's decisions were upheld in higher courts. The percentage rates fell slightly in FY94 when eighteen (18) cases were appealed and 83% of the cases were upheld. In FY95, the percentage rate increased when 100% of the Board's decisions were upheld by higher courts in 11 decisions.

BOARD AFFIRMATION RATES (FY92-95)



The Board takes great pride in the improvements made over the last several years. While striving to achieve comprehensibly written decisions for both the parties and the higher level courts, the Board's ultimate goal is to arrive at fair, balanced, and legally correct decisions. While the Illinois Attorney General represents the Board on appeal, the Board works closely with the Assistant Attorney General in preparing each case prior to oral argument in the appellate court. The Board is

careful in its deliberations since a party always has the option to appeal a Board decision in the appellate court.

Over the last couple of years, the Board has been affirmed in a wide variety of controversial and noteworthy cases. Most recently, in Discovery Group South, Ltd. v. Pollution Control Board, (1st Dist. Aug. 28, 1995), No. 1-93-1438, the Appellate Court affirmed the Board's decision in a citizens' noise enforcement case which involved the World Music Theatre in Tinley Park. The court held that the Board's decision was not against the manifest weight of the evidence. The court further affirmed the Board stating that the remedy imposed by the Board was not arbitrary and capricious, was within the Board's authority and was not a violation of freedom of speech or equal protection. The Appellate Court also upheld the Board in Freedom Oil Co. v. Pollution Control Board, No. 4-94-0786 (4th Dist. Sept. 21, 1995), where the court found that a Board decision made by telephone conference was permissible under the Open Meetings Act. The court also found the Board had authority to reconsider the penalty assessed on its own motion to correct a clerical oversight though the penalty may have been raised as a result of that reconsideration.

In Turlek v. Pollution Control Board, (1st Dist. July 26, 1995), No. 1-94-2829, the Appellate Court affirmed the Board's decision denying the petitioner's motions to reconsider the decision approving the site. The court did not require that the record before the Board be identical to the record considered by the village in a siting request. Also, in Southwest Energy Corp. v. Illinois (4th Dist. Sept. 7, 1995), No. 4-94-0759, the Appellate Court affirmed that the Board correctly determined that a trip to the site of a pollution control facility was a denial of fundamental fairness since opponents to the site were not given the same opportunity to take the same tour to the site as the local governing body. The Board also made a finding that extensive contact existed between the hear-

ing officer and the siting applicant thereby causing a denial of fundamental fairness. In City of Wheaton v. Pollution Control Board, (1st Dist. Dec. 8, 1995), No. 2-95-0338, the Board granted summary judgment in favor of the Office of the State Fire Marshall when the OSFM barred the City of Wheaton from receiving funds from the UST Fund. The reasoning was that Wheaton removed the underground storage tank from the ground prior to being registered and the Board found this reasoning plausible to grant summary judgment. The Appellate Court affirmed the Board.

In 1994, the Illinois Supreme Court reversed the Appellate Court's decision and affirmed the Board in Envirite Corp. v. Pollution Control Board, 239 Ill.App. 3d 1004 (3d Dist. 1994), finding the Board's interpretation of 39(b) of the Act correct. The Court held in this citizen's land enforcement complaint that the generator for the purposes of authorization for deposit at a facility applies to the initial generator as well as the last waste treater.

Regarding rules and regulations, the Illinois Supreme Court affirmed the Board's Water Toxics rules in Granite City Division of National Steel Co. v. Pollution Control Board, 221 Ill.App. 3d 68 (5th Dist. 1993), finding that the rules were not unconstitutionally vague. The Court found that the Board had properly considered the technical feasibility and economic reasonableness of the rules.

Overall, the Board has aimed to be legally concise and consistent with all opinions and orders. Before an order is issued by the Board, an order will go through a period of critique and commentary. When an order is finally moved at the Board meeting, it has been clearly crafted and honed to direct the parties as to the next step or finality. Together, all members and staff of the Pollution Control Board work to achieve consistency and clarity. This motive continues today and into the future. ♦

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## **RULEMAKING UPDATE** (Cont'd from p.1)

number for the Clark Oil terminal in the metropolitan East St. Louis area, which is subject to the marine vessel loading rules. The marine vessel loading regulations were involved in the Part II 15% ROP proceeding, which the Board adopted on October 20, 1994, under docket number R94-15. (See issue 487, Oct., 1994.)

The Board initially accepted and proposed the Part I 15% ROP cleanup proposal pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the

Environmental Protection Act (Act) on September 7, 1995. However, after closer scrutiny of the proposal, on September 21, 1995, the Board corrected this and accepted and proposed the amendments as a Section 27 general rulemaking. (See issue 497, Oct., 1995.) A First Notice of Proposed Amendments appeared in the October 31, 1995 issue of the Illinois Register. The Board proposed the Part I cleanup amendments for Second Notice review by the Joint Committee on Administrative Rules (JCAR) on December 7, 1995, and the Second Notice period ended on January 23, 1996, when JCAR voted No Objection to the proposed amendments. The Board held two hearings on the Part I



cleanup proposal on October 25, 1995, in Springfield, and October 26, 1995, in Edwardsville. (See issue 500, Jan., 1996.)

The Board adopted the 15% ROP regulations in seven parts, as submitted by the Agency, between September 15, 1994 and May 4, 1995. The aggregate of the seven parts are intended to reduce emissions of ozone-forming volatile organic compounds in the Chicago and metropolitan East St. Louis areas, as required by federal law. The federal Clean Air Act Amendments of 1990 (CAAA) require a reduction in ozone precursor emissions in areas that are nonattainment for ozone. (See issue 495, June-July, 1995.) The Agency has thus far filed two corrections proposals, 15% ROP Clean-Up Part I, R96-2, and 15% ROP Clean-Up Part II, R96-13. (See issue 500, Jan., 1996.)

Direct questions to Audrey Lozuk-Lawless, at 312-814-6923 (Internet address: alozukla@pcb016r1.state.il.us). Request copies from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R96-2.

## SITE-SPECIFIC CYANIDE RULE ADOPTED FOR MWRDGC, R95-14

On February 1, 1996, the Board adopted a site-specific rule that regulates the maximum allowable cyanide content of the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) John E. Egan and James C. Kirie treatment plant effluents. Associated amendments included changes to reflect the change in the District's name to MWRDGC, which formerly appeared in the water pollution control regulations as the Metropolitan Sanitary District of Greater Chicago. The new weak acid dissociable (WAD) cyanide standard of 10 micrograms per liter (mg/l) applies to both plants instead of their respective existing permitted limitations of 5.2 and 5.0 mg/l, which were based on the existing state-wide general use water quality standards.

The MWRDGC posited four basic justifications for the site-specific rule in its April 28, 1995 petition. It first asserted that the indigenous species used to calculate the state-wide water quality standards are not relevant to the streams receiving its effluents. MWRDGC stated second that the use of WAD cyanide is not directly associated with water toxicity. Third, the MWRDGC maintained that chlorine interferes with the WAD cyanide test. Finally, MWRDGC contended that the present regulatory limits are at or below the limit of detection for WAD cyanide.

The Board proposed the amendments on August 24, 1995 for First Notice publication in the Illinois Register. A Notice of Proposed amendments appeared in the

September 8, 1995 issue of the Register. On December 7, 1995, the Board proposed the site-specific rule for Second Notice review by the Joint Committee on Administrative Rules (JCAR), and the Second Notice review period ended on January 23, 1996, when JCAR voted No Objection to the proposed rule.

Direct questions to Audrey Lozuk-Lawless, at 312-814-6923 (Internet address: alozukla@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R95-14.

## RCRA UPDATE PROPOSED FOR PUBLIC COMMENT; REASON FOR DELAY ORDER ADOPTED, R95-20

On February 1, 1996, the Board proposed identical-in-substance amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The amendments correspond with USEPA revisions to the federal hazardous waste program made during the period January 1 through June 30, 1995. Ten principal federal actions that occurred in this period were included in the docket. One principal set of amendments (three actions) were the February 9, 1995 establishment of hazardous waste listings (K156 through K161) for six carbamate production wastes, including April 17 and May 12, 1995 corrections to the carbamate listings. Another was a major set of federal regulations that arose on May 11, 1995, when USEPA established a new body of regulations to govern certain high-volume hazardous wastes that are being collected for recycling or disposal. June 13, 1995 amendments delisted the treated residues of certain listed hazardous waste generated by Conversion Systems, Inc. (CSI) in Sterling, Illinois. On June 29, 1995, USEPA deleted a vast number of rules that were obsolete, redundant, or outdated. Other amendments included the January 13 and April 4, 1995 amendments to testing procedures; the February 3, 1995 USEPA response to public inquiries in the wake of the Supreme Court's decision in *City of Chicago v. Environmental Defense Fund, Inc.*, 114 S. Ct. 1588 (1994); and the February 7, 1995 announcement that USEPA had studied cement kiln dust and determined not to subject this material to complete Subtitle C regulation.

The Board deviated from the normal update January 1 through June 30, 1995 timeframe of R95-20 in a few actions. The Board included in three sets of amendments made by USEPA on July 7, September 29, and November 13, 1995 relating to the Subpart CC organic material emissions regulations. One of the added federal actions made corrections to the rules adopted by the Board on

June 1 and 16, 1995, under consolidated docket number R95-4/R95-6, and two of the actions stayed the effective date of the Subpart CC organic material emission rules for tanks, containers, and surface impoundments. Further, the Board did not include two sets of amendments that did occur in the January 1 through June 30, 1995 update period because it had already taken action on the amendments in the R95-4/R95-6 docket. These were the federal amendments of January 3, 1995, which corrected errors and clarified language in the universal treatment standards adopted on September 19, 1994 as the Phase II LDRs, and of May 19, 1995, which earlier stayed the 40 CFR 264, subpart CC and 265, subpart CC (Subpart CC) regulations.

The Board had received a request from the regulated community that it proceed to promptly adopt 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.

The Board proposed all the necessary amendments to update the Illinois RCRA Subtitle C program to include the federal amendments described. The Board further included a number of corrective and conforming amendments to both programs.

The public comment period began on February 16, 1996, when Notices of Proposed Amendments appeared in the Illinois Register. The public comment period will end after 45 days, on April 1, 1996. After the public comment period ends, the Board will be free to adopt amendments based on the proposal. The identical-in-substance provisions of the Act provide that the Administrative Procedure Act requirements for First Notice and Second Notice review by the Joint Committee on Administrative Rules do not apply to this proceeding.

Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet: [mmccambr@pcb016r1.state.il.us](mailto:mmccambr@pcb016r1.state.il.us)). Request copies of the proposed amendments from Victoria Agyeman, at 312-814-6920 (Internet: [vageyman@pcb016r1.state.il.us](mailto:vageyman@pcb016r1.state.il.us)). Please refer to consolidated docket R95-20

not amend its corresponding definition of volatile organic compound during the period. The Board similarly dismissed the underground injection control (UIC) docket, R96-8, because USEPA did not amend its UIC regulations. Finally, the Board dismissed the R96-11 underground storage tank (UST) update docket because the only amendments during the period, those of September 7, 1995, related to the lender liability aspects of the financial responsibility rules, an area outside the scope of the Board's UST identical-in-substance mandate.

The Board had reserved the three dockets, along with four others, at its meeting of December 20, 1995, for the routine identical-in-substance updates to various programs. (See issue 500, Jan., 1996.) The four remaining reserved dockets that are still open, and their associated regulatory programs, are as follows:

R96-7 Drinking water (SDWA) update

R96-9 Municipal solid waste landfill (RCRA Subtitle D) update

R96-10 Hazardous waste (RCRA Subtitle C) update

R96-12 Wastewater pretreatment update

The remaining update dockets would include all federal amendments to the programs that occurred in the period July 1 through December 31, 1995. The Board is presently aware of amendments to the federal hazardous waste regulations during the period that will require amendments under docket R96-10. Amendments relating to or impacting the federal drinking water, municipal solid waste landfill, and wastewater pretreatment regulations are presently under study to determine if amendments are necessary under dockets R96-7, R96-9, and R96-12. If indeed amendment of the Illinois regulations is required by a federal action, the Board will propose those amendments under the reserved docket number at some future time. If no amendments are required, the Board will dismiss the reserved docket.

Direct questions to Michael J. McCambridge, at 312 814-6924 (Internet: [mmccambr@pcb016r1.state.il.us](mailto:mmccambr@pcb016r1.state.il.us)). Please refer to the appropriate docket number.

## RESERVED IDENTICAL-IN-SUBSTANCE DOCKETS DISMISSED, R96-6, R96-8 & R96-11

On February 15, 1996, the Board dismissed three reserved identical-in-substance dockets because no amendments were warranted in any of them. The three dockets were for the routine update period of July 1 through December 31, 1995. The Board dismissed the R96-6 docket reserved for amendments to the definition of volatile organic material (VOM) because USEPA did

**F**INAL ACTIONS 2/1/96

**93-179** IBP, Inc. v. IEPA - The Board found that the Agency had erred in imposing a certain effluent limitation for sulfate on this Rock Island County Facility and remanded the matter to the Agency with instructions to issue an NPDES permit incorporating the permittee's recorded sulfate level. Member J. Yi concurred; Chairman C.A. Manning and Member M. McFawn dissented.

**94-393** Peoria School District #150-Hines School v. IEPA - The Board granted voluntary withdrawal of this underground storage tank fund reimbursement determination appeal involving a Peoria County facility.

**95-47** People of the State of Illinois v. W.O.W. Truck Lines, Inc. - Having previously granted summary judgment and found that the St. Clair County respondent had violated the Act and Board regulations, the Board imposed a civil penalty of \$10,000 and attorneys fees of \$840 against the respondent in this special waste hauling enforcement action.

**95-154** Central Illinois Public Service Company v. IEPA - The Board granted voluntary dismissal of this land permit appeal involving a Jasper County facility.

**96-39** Consolidated Distilled Products, Inc. (Union Liquor Company) v. Office of the State Fire Marshal - Having previously ordered the filing of an amended petition and receiving none, the Board dismissed this underground storage tank fund reimbursement determination appeal filed on behalf of a Cook County facility.

**96-40** Interstate Pollution Control, Inc. v. IEPA - The Board granted voluntary dismissal of this land permit appeal involving a Winnebago County facility.

**96-49** Archer Daniels Midland Company v. IEPA - The Board granted voluntary withdrawal of this land permit appeal involving a Macon County facility.

**96-85** The County of Kane, Illinois and Waste Management of Illinois, Inc. v. IEPA - The Board granted summary judgment and affirmed the Agency's denial of a permit for significant modification, finding that local siting approval was a necessary prerequisite to issuance of a permit for expansion of this Kane County

pollution control facility (landfill). Member M. McFawn concurred.

**96-109** Hickman, Williams & Company of Kentucky v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this docket because no air permit appeal was timely filed on behalf of this Cook County facility.

**96-113** Hickman, Williams & Company of Kentucky v. IEPA - The Board granted this Lake County facility a variance from the standards of issuance and restricted status provisions of the public water supplies regulations, subject to conditions, as they would otherwise relate to radium content of drinking water.

**96-121** AT & T Communications, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this docket because no underground storage tank fund reimbursement determination appeal was timely filed on behalf of this DuPage County facility.

**96-167** Versar, Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted a thirty day provisional variance from the ninety day limitation on the accumulation of hazardous waste at this Cook County facility.

**96-168** Caterpillar, Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted a thirty day provisional variance from the ninety day limitation on the accumulation of hazardous waste at this Peoria County facility.

**AC 96-29** County of Will v. James Mallette - The Board entered a default order, finding that this Will County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

**AC 96-30** IEPA v. Richard Vaughn d/b/a Richard's Tire Hauling - The Board entered a default order, finding that this Williamson County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

**R95-14** In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Site-Specific Water Quality Regulation for Cyanide (Amendments to 35 Ill. Adm. Code 303 and 304)- **See Rulemaking Update.**

**R96-2** In the Matter of: 15% ROP PLAN: Clean-Up Part I - Amendments to 35 Ill. Adm. Code 219.585(a) and 219.Appendix E - See Rulemaking Update. Member J. Theodore Meyer dissented.

## FINAL ACTIONS 2/15/96

**95-54** The City of Metropolis v. IEPA - The Board granted voluntary dismissal of this land permit appeal involving a Massac County facility.

**95-124** People of the State of Illinois v. Lebanon Chemical Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Vermilion County facility, ordered the respondent to pay a civil penalty of \$10,500.00, and ordered it to cease and desist from further violation.

**96-60** Concerned Citizens of Williamson County, Paul Crain and Rose Rowell v. Bill Kibler Development Corporation a/k/a Kibler Development Corporation, and Williamson County Board of Commissioners - The Board affirmed the grant of local siting approval for this proposed Williamson County pollution control facility (landfill), finding that the manifest weight of the evidence supported the decision and that the local proceedings were conducted in a fundamentally fair manner.

**96-153** People of the State of Illinois v. MP Melrose Park Associates, LTD - The Board accepted a stipulation and settlement agreement in this water and UST enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$20,000.00, and ordered it to cease and desist from further violation.

**AC 96-32** County of Vermillion v. Illinois Landfill, Inc. - The Board entered a default order, finding that this Vermilion County respondent had violated Sections 21(o)(5) and 21(o)(12) of the Act and ordering it to pay a civil penalty of \$1,000.00.

**R96-6** In the Matter of: Definition of VOM Update, U.S. IEPA Regulations (July 1, 1995, through December 31, 1995)- See Rulemaking Update.

**R96-8** In the Matter of: UIC Update, U.S. IEPA Regulations (July 1, 1995, through December 31, 1995)- See Rulemaking Update.

**R96-11** In the Matter of: UST Update, U.S. IEPA Regulations (July 1, 1995, through December 31, 1995)- See Rulemaking Update.

## NEW CASES 2/1/96

**96-99** The Belleville Development, L.P. v. IEPA - The Board accepted an amended petition for a NPDES permit appeal from this St. Clair County facility for hearing.

**96-151** Keith F. Boyer v. Felecia Harris, a/k/a Felecia Dawkins, and Chicagoland Mortgage Corporation - The Board found that this citizen's land enforcement action against a Cook County facility was neither frivolous nor duplicitous and accepted it for hearing.

**96-160** People of the State of Illinois v. Bobak Sausage Company - The Board received this air enforcement action against a Cook County facility for hearing.

**96-161** City of Geneva v. IEPA - The Board held this petition for a variance from the standards of issuance and restricted status provisions of the public water supplies regulations, as they relate to radium content of drinking water, filed on behalf of a Kane County facility for an Agency recommendation.

**96-162** Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA - The Board ordered the filing of an amended petition in this underground storage tank fund reimbursement determination appeal involving a Cook County facility. (Consolidated with PCB 96-166.)

**96-163** Land and Lakes/Wheeling v. IEPA - The Board held this request for 90-day extension of time to file a permit appeal involving a Lake County facility for an Agency recommendation.

**96-164** CGE Ford Heights, L.L.C. v. IEPA - The Board accepted this tax certification appeal filed on behalf of a Cook County facility for hearing.

**96-165** Borg Warner Automotive Automatic Transmission Systems Corporation v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Cook County facility for hearing.

**96-166** Oscar Mayer Foods Corporation/Kraft Foods, Inc. (427 West Scott Street, LUST Incident #940516) v. IEPA - The Board ordered the filing of an amended petition in this underground storage tank fund reimbursement determination appeal involving a Cook County facility. (Consolidated with PCB 96-162.)

**96-167** Versar, Inc. v. IEPA - **See Final Actions.**

**96-168** Caterpillar, Inc. v. IEPA - *See Final Actions.*

**96-169** People of the State of Illinois v. Kerr-McGee Refining Corporation - The Board received this underground storage tank enforcement action against a Cook County facility for hearing

**AC 96-34** Montgomery County v. Envotech-Illinois, Inc. - The Board received an administrative citation against a Montgomery County respondent.

**AC 96-35** County of LaSalle v. CSX Transportation, Inc. - The Board received an administrative citation against a LaSalle County respondent.

## NEW CASES 2/15/96

**86-2** Petition of the City of LaSalle for Exception to the Combined Sewer Overflow Regulations - The Board granted reconsideration, vacated its order of December 20, 1995 denying a permanent extension of the November 3, 1994 temporary exception from the prohibition against discharge of combined sewer overflows granted this LaSalle County petitioner, and accepted a second amended petition for hearing.

**96-154** Village of Oswego v. IEPA - The Board accepted a petition filed on behalf of a Kendall County facility for a variance from the restricted status and standards for issuance requirements of the public water supply regulations, as they relate to the combined radium content of the petitioner's drinking water, and set it for hearing after receiving several letters objecting to any grant of a variance.

**96-163** Land and Lakes/Wheeling v. IEPA - The Board, having received a notice of 90-day extension of time to file a permit appeal pursuant to P.A. 88-690, reserved this docket for any land permit appeal that may be filed on behalf of this Lake County facility.

**96-170** People of the State of Illinois v. Robinette Demolition, Inc. - The Board received this air enforcement action against a DuPage County facility for hearing.

**96-171** Exel Sales, Inc. v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Winnebago County facility for hearing.

**96-172** Envotech-Illinois, Inc. v. IEPA - Having received a notice of 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 Montgomery County facility.

**96-173** Coal City Citgo v. IEPA - The Board held this underground storage tank reimbursement determination appeal involving a Grundy County facility.

**96-174** The Knapheide Mfg. Co. v. IEPA - The Board held this petition for air variance involving a Adams County facility.

**96-175** Caterpillar, Inc. v. IEPA - Having received a notice of 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 Peoria County facility.

**96-176** Steve's Mobil Service v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Morgan County facility for hearing.

**96-177** Rover Oil Company, Inc. v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Bond County facility for hearing.

**96-178** Alexander/Franklin Community Unit School District #1 v. IEPA - The Board accepted this underground storage tank fund reimbursement determination appeal involving a Morgan County facility for hearing.

**96-179** Gilbert and Lenda Marshall v. Danny Ligenfelter, individually and as President of Central Illinois Dirt Riders Association - The Board held this citizen's noise and air enforcement action against a Fulton County facility for a frivolous and duplicitous determination.

**AC 96-36** IEPA v. Charlie Fyffe - The Board accepted an administrative citation against a Wabash County respondent.

**AC 96-37** IEPA v. Midwest Excavating - The Board accepted an administrative citation against a Franklin County respondent.

**AC 96-38** IEPA v. Joseph C. Smith and Laverne A. Smith - The Board received an administrative citation against these Jersey County respondents.

**AS 96-7** In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard From 35 Ill. Adm. Code 306.305(b) - Finding enumerated deficiencies in the petition, the Board ordered the filing of an amended petition on behalf of this St. Clair County wastewater treatment facility for an adjusted standard from the water pollution control regulation restrictions on combined sewer overflows.

**AS 96-8** In the Matter of: Petition of Central Illinois Light Company (Duck Creek Station) for an Adjusted Standard From 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.205 - The Board held this petition filed on behalf of a Fulton County facility for an adjusted standard from the boron effluent requirements and the prohibition against violating a water quality standard of water pollution control regulations, as they would apply to segments of Duck Creek and the Illinois River.

**CALENDAR OF HEARINGS**

All hearings held by the Board are open to the public. 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.

20-Mar-96 10:00 A.M.	PCB 94-027 A-V	<u>Marathon Oil Company v. IEPA</u> -Crawford County Courthouse, Grand Jury Room, Court Street, Robinson, Illinois
20-Mar-96 10:00 A.M.	PCB 95-150 A-V	<u>Marathon Oil Company v. IEPA</u> -Crawford County Courthouse, Grand Jury Room, Court Street, Robinson, Illinois
21-Mar-96 10:00 A.M.	R96-013 R, Air	<u>In the Matter of: 15% ROP Plan: Clean-Up Part II: Amendments to 35 Ill. Adm. Code parts 218 and 219</u> -James R. Thompson Center, 100 West Randolph, Suite 9-025 Chicago, Illinois
25-Mar-96 10:00 A.M.	PCB 95-155 A-V	<u>General Business Forms, Inc. v. IEPA</u> James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
25-Mar-96 10:00 A.M.	PCB 96-064 UST-Appeal	<u>City of Auburn v. IEPA</u> -Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield, Illinois
25-Mar-96 09:30 A.M.	PCB 96-154 PWS-V	<u>Village of Oswego v. IEPA</u> -Oswego Village Hall, Council Meeting Room, 13 Main Street, Oswego, Illinois
28-Mar-96 09:30 A.M.	PCB 96-086 P-A, Land	<u>BFI Modern Landfill #1 &amp; #2 v. IEPA</u> Regional State Headquarters Complex, IDOT Conference Room, 1100 E. Port Plaza Drive, Collinsville, Illinois
11-Apr-96 10:00 A.M.	PCB 96-125 P-A, Air	<u>Color Communications, Inc. v. IEPA</u> James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
26-Apr-96 10:00 A.M.	PCB 96-068 A-E, Citizens	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u> --Pike County Courthouse, 204 East Adams, Pittsfield, Illinois

**Calendar Code**

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	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	SO <sub>2</sub>	SO <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		

## ILPCB MEETING DATES

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

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### Remainder of FY 96 (Through June 30, 1996)

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March 7	March 21	April 4	April 18	May 2	May 16	June 6	June 20
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### First Half of FY 97 (Through December 31, 1996)

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July 18	August 1	August 15	September 5	September 19	October 3
October 17	November 7	November 21	December 5	December 19	

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The meetings are generally held at the following location and time:

James R. Thompson Center  
100 W. Randolph St.  
Room 9-040  
Chicago, IL 60601

10:30 a.m.