

# Environmental Register

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## FEDERAL ACTIONS

**U**nited States Environmental Protection Agency Reaches Settlement With Borden Chemical, Inc. Regarding Aurora, Kane County, Illinois Facility

On April 9, 1999, the United States Environmental Protection Agency (USEPA) announced that it had reached a settlement agreement with Borden Chemical, Inc. (Borden), on alleged air violations at Borden's foundry and manufacturing plant located at 1019 Jericho Road, Aurora, Kane County, Illinois. Borden agreed to pay a \$154,740 penalty.

 **FEDERAL ACTIONS CONTINUED  
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## STAFF UPDATE

Cynthia Ervin, formerly the Attorney Assistant to Chairman Manning, has left the Board to assume her new responsibilities as General Counsel of the Illinois Department of Agriculture. Chairman Manning and the Board wish to thank Ms. Ervin for the exceptional work she performed during her tenure here. We know that she will excel in her new position. Pat Szott, previously Private Secretary to Members Dunham and Yi and currently to Member Hennessey, retired effective April 30. The Board wishes Ms. Szott a joyous retirement.

## RULEMAKING UPDATE

**B**oard Adopts Proposal for Public Comment in Identical-in-Substance Rulemaking, In the Matter of: RCRA Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-15

On April 8, 1999, the Board adopted proposed amendments to the Illinois regulations that are "identical-in-substance" to hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (1998)). The proposal incorporates several amendments that the USEPA adopted during the period from July 1, 1998, through December 31, 1998. See 63 Fed. Reg. 42109 (August 6, 1998); 63 Fed. Reg. 47409 (September 4, 1998); 63 Fed. Reg. 50387 (September 21, 1998); 63 Fed. Reg. 51253 (September 24, 1998); 63 Fed. Reg. 56709 (October 22, 1998); 63 Fed. Reg. 65873 (November 30, 1998); and 63 Fed. Reg. 71225 (December 24, 1998). The proposal also includes amendments adopted by the USEPA in 1999. See 64 Fed. Reg. 6806 (February 11, 1999).

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (1996)) provides for quick adoption of regulations that are "identical-in-substance" to federal regulations that the USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (1998)).

 **RULEMAKING UPDATE CONTINUED ON PAGE TWO**

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In September 1997, the USEPA notified Borden that it was exceeding federally enforceable State limits on volatile organic compounds (referred to as volatile organic material (VOM) in Illinois) emissions from its foundry and manufacturing process. The USEPA identified the violations during an inspection and through an information request. In February 1998, the USEPA filed an administrative complaint against Borden, alleging the company exceeded State VOM emission limits by 81 percent, as required by the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1990)).

VOM combines in the atmosphere with other chemicals to form ground-level ozone, which can cause breathing problems, reduced lung function, eye irritation, stuffy nose, and reduced resistance to colds and other infections. Children, the elderly, and people with chronic respiratory diseases are most sensitive to the effects of ground-level ozone.

### **United States Environmental Protection Agency Revokes Federally-Promulgated Rules and Replaces Them With Illinois Rules Previously Approved and Applicable to the Stepan Company Millsdale Plant in Elwood, Will County**

On April 16, 1999, the United States Environmental Protection Agency (USEPA) revoked the federally promulgated rules, as they apply to the Stepan Company's (Stepan) Millsdale Plant in Elwood, Will County, and replaced them with the Illinois rules that were previously approved and which apply to Stepan. 64 Fed. Reg. 18816 (April 16, 1999). On June 29, 1990 the USEPA promulgated federal measures for stationary source volatile organic material (VOM) control; these measures represented reasonably available control technology (RACT) for certain emission sources located in Cook, DuPage, Kane, Lake, McHenry, and Will counties. 55 Fed. Reg. 26814 (June 29, 1990). Subject sources were required to control 81 percent of miscellaneous VOM emissions from manufacturing processes. Stepan was subject to these federal stationary VOM control measures.

At Stepan's request, the USEPA agreed to reconsider its rule as it applied to Stepan and on October 1, 1993, proposed a site-specific rule for Stepan. 58 Fed. Reg. 51279 (October 1, 1993). The USEPA subsequently approved, as revisions to the Illinois State Implementation Plan, three VOM rules submitted by the Illinois Environmental Protection Agency that are applicable to Stepan's VOM sources (see 35 Ill. Adm. Code Subparts 218, 219). These are the rules which will replace the revoked federal rules.

This final rule is effective June 15, 1999, unless written adverse comments or a request for a public hearing are received by May 17, 1999. Written comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Air and Radiation Division, USEPA, 77 West Jackson Boulevard, Chicago, Illinois 60604.

### **Department of Justice Issues Notice of Proposed Partial Consent Decree in United States v. USX Corp., et al., Pertaining to the Yeoman Creek Landfill Superfund Site, located in Waukegan, Lake County**

On April 22, 1999, the Department of Justice, in accordance with Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §§ 9622 *et seq.* (1980)), issued notice of a proposed partial consent decree in United States v. USX Corp., et al., Civil No. 98 C 6389 (N.D. Ill.), pertaining to the Yeoman Creek Landfill Superfund Site located in Waukegan, Lake County. 64 Fed Reg. 19804. The proposed partial consent decree would resolve the United States' civil claims against eleven *de minimis* defendants named in the action as provided in the consent decree. The settling defendants are: Akzo Nobel Coatings, Inc.; Babson Brothers Company; Commonwealth Edison Company; F.K. Pattern & Foundry, Inc.; Kmart Corporation; North Shore Gas Company; Pfanstiehl Corporation; Pfanstiehl Laboratories, Inc.; Sears, Roebuck & Company; Waste Management of Illinois, Inc.; and Waste Management of Wisconsin. Under the proposed consent decree, the eleven settling defendants would pay a total of \$290,000,000.

Comments regarding this proposed consent decree must be filed by May 22, 1999, and should be addressed to: Assistant Attorney General, Environment and Natural Resource Division, United States Department of Justice, Washington, D.C. 20530, and should refer to DOJ Reference Number 90-11-2-1315/1.

### **RULEMAKING UPDATE**

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The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279. Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (1996)) do not apply to the Board's adoption of identical-in-substance regulations. Accordingly, this rulemaking is not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The proposal for public comment adds new waste listings and land disposal restrictions (LDRs) for petroleum wastes, as well as certain exclusions from regulations as hazardous waste. The proposal also changes the effective dates and adopted emergency amendments to the LDRs applicable to certain carbamate wastes and waste constituents. The proposal also amends the LDR treatment standards applicable to spent potliners from primary aluminum production.

The proposal amends the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program. Further, the proposal adopts new remedial action plan requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

The proposal also adopts corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

Finally, the proposal amends the exclusions from the definition of hazardous waste that will have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes.

The Board will accept public comments on this proposal for a period of 45-days following its publication in the *Illinois Register*. Public comments should be filed with the Clerk of the Board. Please direct any questions regarding this proposal to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us

**Board Adopts Proposal for Public Comment in Identical-In-Substance Rulemaking, In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-17**

On April 15, 1999, pursuant to Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 13.3 (1996)), the Board proposed amendments to the Illinois wastewater pretreatment regulations. The proposed amendments establish new standards and guidelines under the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1251 *et seq.* (1996)) for the pesticide chemicals manufacturing industry and the pharmaceutical manufacturing industry.

Section 13.3 of the Act provides for quick adoption of the regulations that are "identical-in-substance" to federal wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the FWPCA (33 U.S.C. §§ 1317(b), (c), (d), 1342(b)(9) (1996)). Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (1996)) do not apply to this rulemaking. Accordingly, this rulemaking is not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The proposed rulemaking incorporates certain federal amendments that occurred during the period of July 1, 1998, through December 31, 1998. The federal wastewater pretreatment regulations are found at 40 C.F.R. §§ 400-499. The USEPA amended its wastewater pretreatment regulations four times during that period (see 63 Fed. Reg. 39443 (July 22, 1998); 63 Fed. Reg. 42238 (August 7, 1998); 63 Fed. Reg. 50388 (September 21, 1998); and 63 Fed. Reg. 64417 (November 20, 1998)). This rulemaking incorporates all of these actions ex-

cept the August 7, 1998 action, which the Board previously incorporated in its most recent wastewater pretreatment update docket, In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998, through June 31, 1998) (March 18, 1999), R99-4. Although not enacted within this docket's stated time period, the Board also incorporated in the proposal for public comment a March 4, 1999 federal action promulgated by the USEPA (see 64 Fed. Reg. 10391 (March 4, 1999)).

The proposed amendments incorporate changes to the pretreatment standards and new source performance standards for the organic pesticide chemicals manufacturing industry. The new standards increase the daily maximum and monthly average emission levels of the pesticide active ingredient (PAI), pendimethalin, based on actual industry monitoring data of the effluent concentration of PAIs in wastewaters treated by full-scale treatment systems. The proposal also amends limitations of the discharge of pollutants into publicly owned treatment works (POTWs) by existing and new pharmaceutical manufacturing facilities. The proposal revises the limitations and standards for the "Fermentation," "Extraction," "Chemical Synthesis," and "Mixing, Compounding, and Formulating" sub-categories and also eliminates the "Research" sub-category for existing and new sources. In addition, the proposal revises the effluent limitation guidelines for the best practicable control technology currently available for the "Rain Mills Point Source" category. Finally, the proposal corrects typographical errors and errors in rounding of several numerical limitations which were adopted in the September 21, 1998 federal action.

The Board will accept public comments on this proposal for a period of 45-days following its publication in the *Illinois Register*. Public comments should be filed with the Clerk of the Board. Please direct any questions regarding this proposal to Karen Kavanagh at 312/814-6062; e-mail address: kkavanag@pcb084r1.state.il.us

**Board Adopts Second-Notice Opinion and Order in In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219), R98-29**

On April 15, 1999, the Board adopted for second-notice review by the Joint Committee on Administrative Rules (JCAR) amendments to 35 Ill. Adm. Code 809 regarding nonhazardous special waste hauling. The Illinois Environmental Protection Agency (IEPA) proposed the amendments in response to Public Act 90-219 (Pub. Act 90-219, eff. July 25, 1997) which amended Sections 22, 22.01 and 22.2 of the Environmental Protection Act (Act) (415 ILCS 5/22, 22.01, 22.2 (1996)) and implements the Uniform State Hazardous Materials Transportation, Registration and Permit Program (Uniform Program). The Uniform Program was adopted in response to federal amendments to the Hazardous Materials Transportation Uniform Safety Act of 1990 and the Hazardous Materials Transportation Authorization Act of 1994 (HMTAA).

The Uniform Program primarily affects Part 809 of the Board's rules, but there are also minor proposed changes to Parts 808, 811 and 855 in order to establish consistency with the revised Part 809. In its proposal, the IEPA requested that the Board bifurcate the regulations for transportation of hazardous and nonhazardous special waste so that Illinois' hazardous waste regulations under the Uniform Program would comply with the HMTAA.

With regard to changes in nonhazardous special waste permitting, a new Subpart is proposed at Part 809 for the Uniform Program while the remainder of Part 809 is modified slightly to allow for the continued permitting of nonhazardous special waste transporters. The IEPA's proposal includes new language in Part 809 so that a nonhazardous special waste transporter is afforded due process if a permit is denied, and the IEPA has a procedure to follow if a permit application is incomplete. There are also two new proposed exemptions from the nonhazardous special waste transport rules to avoid duplicate and potentially contradictory transporting requirements for transporters of potentially infectious medical waste and used tires.

With regard to Uniform Program permitting, the proposed rules provide that transporters of hazardous waste in Illinois must have a Uniform Permit issued by the IEPA. Registration of transporters is a base state system; a transporter applies to its base state for its Uniform Permit and that base state reviews the Uniform Permit applications. The proposed rules provide that the Uniform Permit is valid for three years. The proposed rules also allow the IEPA to enter into agreements with federal agencies, national repositories, and other participating states in order to issue reciprocal Uniform Permits that allow a transporter to operate in all participating states. As a result, an interstate transporter need only fill out one permit application, as opposed to filing out numerous permit applications under the old system. The transporter's base state is responsible for collecting the fees and distributing percentages of those fees to other states participating in the program. The proposed rules provide that the annual fee for the Uniform Permit is \$250 for any company designating Illinois as its base state and establish an annual registration fee of \$20 for each vehicle owned by a company subject to a permit. The Uniform Program mandates that the IEPA conduct audits to ensure that transporters are accurately reporting their activity.

The Board also granted the IEPA's request to sever the docket by separating the rules on used oil transportation and used oil management facilities from the rules on hazardous waste transportation. See In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29, slip op. at 1. The Board assigned the proposed rules on used oil transportation and used oil management facilities to docket number R99-18.

Two hearings were held in this matter: the first, in Springfield, on July 21, 1998; and the second, in Chicago, on July 31, 1998. On December 17, 1998, the Board adopted the proposal for first-notice publication in the *Illinois Register* (see 21 Ill. Reg. 78 (January 4, 1999)). An additional hearing was held on February 25, 1999, to discuss the Department of Commerce and Community Affairs' decision not to conduct an economic impact study pursuant to Public Act 90-489 (Pub. Act 90-489, eff. January 1, 1998). No one testified at the February 25, 1999 hearing. No public comments were filed during the first-notice public comment period. Upon JCAR's consideration of the proposal, the Board anticipates adoption of a final-notice opinion and order.

Any questions regarding this rulemaking may be directed to Joel Sternstein at 312/814-3665; e-mail address: [jsternst@pcb084rl.state.il.us](mailto:jsternst@pcb084rl.state.il.us)

## BOARD ACTIONS

**APRIL 8, 1999**  
**CHICAGO, ILLINOIS**

### RULEMAKING

**R99-15** In the Matter of: RCRA Update, USEPA Regulations (July 1, 1998, through December 31, 1998) -The Board adopted a proposal for public comments in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations. **VOTE: 6-0**

**APRIL 15, 1999**  
**CHICAGO, ILLINOIS**

### RULEMAKINGS

**R98-29** In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - The Board adopted a second-notice opinion and order in this proposed rulemaking to amend the Board's nonhazardous special waste hauling regulations. **VOTE: 7-0**

**R99-17** In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations. **VOTE: 7-0**

### ADJUSTED STANDARD

**AS 99-3** In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) The Board granted an adjusted standard with conditions to this St. Clair County facility, under 35 Ill. Adm. Code Part 720.131(c). The Board determined that certain zinc oxide material recovered from electric arc furnace dust by a high metal recovery process is not a Resource Conservation Recovery Act solid or hazardous waste. **VOTE: 7-0**

### ADMINISTRATIVE CITATIONS

**AC 99-9** IEPA v. Terry Patrick - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Piatt County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered him to pay a civil penalty of \$500. **VOTE: 7-0**

**AC 99-34** Montgomery County v. Envotech Illinois, Inc. - The Board found that this Montgomery County respondent violated Section 21(o)(10) of the Environmental Protection Act (415 ILCS 5/21(o)(10)(1996)), and ordered respondent to pay a civil penalty of \$500. **VOTE: 7-0**

**AC 99-35** IEPA v. Laidlaw Waste Systems, Inc. and Carl Ball III - The Board granted complainant's motion to dismiss respondent Carl Ball III, but found that Laidlaw Waste Systems, Inc. (respondent) violated Sections 21(o)(1) and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(12) (1996)). Respondent was ordered to pay a civil penalty of \$1,000. **VOTE: 7-0**

**AC 99-37** IEPA v. C&L Tiling, Inc. -The Board granted complainant's motion to withdraw this administrative citation. **VOTE: 7-0**

## ADJUDICATORY CASES

### DECISIONS

**PCB 97-54** People of the State of Illinois v. Capital Engineering & Manufacturing Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$15,000, and to cease and desist from further violations. **VOTE: 7-0**

**PCB 97-203** People of the State of Illinois v. Spirco Environmental, Inc. - The Board found that this respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$9,000. Complainant was also ordered to submit an affidavit in support of its request for fees and costs by May 18, 1999. **VOTE: 7-0**

**PCB 99-80** Central Illinois Light Company (E.D. Edwards Generating Station) v. IEPA - The Board granted this Peoria County facility a three year variance, subject to conditions, from the sulfur dioxide emissions limitations found at 35 Ill. Adm. Code 214.141. **VOTE: 7-0**

### PROVISIONAL VARIANCE

**PCB 99-144** United States Department of the Interior-Crab Orchard National Wildlife Refuge v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Williamson County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141(b) and 35 Ill. Adm. Code 309.102 which prohibit discharges not specifically allowed by National Pollutant Discharge Elimination System permit, and Section 12(f) of the Environmental Protection Act (415 ILCS 5/12(f) (1996)). **VOTE: 7-0**

### MOTIONS AND OTHER MATTERS

**PCB 94-213** Wayne G. Busse and Wickersham & Associates, Inc. v. IEPA - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **VOTE: 7-0**

**PCB 94-277** Jerry Gleason Buick, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **VOTE: 7-0**

**PCB 96-114 | PCB 96-115 | PCB 96-116** Pete Georges Chevrolet, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of these underground storage tank appeals involving a Cook County facility. **VOTE: 7-0**

**PCB 96-117** LaSalle National Trust, N.A., as Trustee under Trust Agreement dated January 10, 1966 and known as Trust No. 34565 v. Standard Bank and Trust Company, as Trustee under Trust Agreement dated July 17, 1995 and known as Trust No. 14929 and Capitol Bank and Trust, as Trustee under Trust Agreement dated March 12, 1993 and known as Trust No. 2421 - The Board granted the parties' joint motion for dismissal of this citizens' land enforcement action involving a Cook County facility. **VOTE: 7-0**

**PCB 96-208** People of the State of Illinois v. Frank Merkendorfer and Phil Pinello - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice. The Board also granted complainant's motion to voluntarily dismiss respondent Belden Tools, Inc. **VOTE: 7-0**

**PCB 97-162 | PCB 97-163 | PCB 97-164 | PCB 97-165 | PCB 97-166 | PCB 97-204** Swearingin Services, Inc. v. IEPA - The Board on its own motion, consolidated PCB 97-204 with these five previously consolidated cases, which have similar facts, issues, and the same decision deadline date. **VOTE: 7-0**

**PCB 98-112** Ronald R. and Melody Kanaverskis v. M.A. Ghalayini and M.A. Ghalayini, Inc. - The Board granted complainants' motion to dismiss this citizens' noise enforcement action involving a DuPage County facility. **VOTE: 7-0**

**PCB 99-27** People of the State of Illinois v. James and Carol Gilmer; James and Carol Gilmer v. CL Industries, Inc., Kraft Foods Corporation and AC HUMKO Corporation - The Board granted third-party respondents' motion to dismiss the third-party complaint. **VOTE: 7-0**

**PCB 99-66** People of the State of Illinois v. Dale Bennett - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Stark County facility, the Board ordered publication of the required newspaper notice. **VOTE: 7-0**

**PCB 99-103** DynaChem, Inc. v. IEPA - The Board granted petitioner's motion to file instant and accepted for hearing this Resource Conservation Recovery Act permit appeal involving a Vermilion County facility. **VOTE: 7-0**

**PCB 99-106** Rapers Gas v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Lake County facility. **VOTE: 7-0**

**PCB 99-112** People of the State of Illinois v. Bi-Petro and Timberlake Transportation and Transfer, Inc. - The Board granted respondent's motion for extension of time. **VOTE: 7-0**

**PCB 99-118** Becks Auto Sales v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Fayette County facility. **VOTE: 7-0**

**PCB 99-125** Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping and CPK Landscaping - The Board found that, pursuant to Section 103.124(a), the pollution allegations, were neither duplicitous nor frivolous. The complainants were ordered to file proof of service with the Clerk of the Board within 14 days of the date of this order. **VOTE: 4-3 FLEMAL, GIRARD, AND MELAS DISSENTED**

**PCB 99-132** Ted Harrison Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cass County facility. **VOTE: 7-0**

**PCB 99-133** Bulkoa, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility. **VOTE: 7-0**

**PCB 99-135** Remote Services, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Vermilion County facility. **VOTE: 7-0**

**PCB 99-136** Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County and Waste Management, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999. **VOTE: 6-0 | GIRARD ABSTAINED**

**PCB 99-137** Seitz Corporation v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility. **VOTE: 7-0**

**PCB 99-138** Hancock Service Company v. IEPA - The Board accepted for hearing this tax certification appeal involving a Hancock County facility. **VOTE: 7-0**

**PCB 99-139** Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999. **VOTE: 6-0 | GIRARD ABSTAINED**

**PCB 99-140** Kathleen Konicki v. The County of Will and Waste Management of Illinois, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999. **VOTE: 6-0 | GIRARD ABSTAINED**

**PCB 99-141** Waste Management of Illinois, Inc. v. Will County Board - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999. **VOTE: 6-0 | GIRARD ABSTAINED**

**PCB 99-143** People of the State of Illinois v. Heritage Environmental Services, LLC - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **VOTE: 7-0**

## NEW CASES

APRIL 15, 1999

**99-132** Ted Harrison Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cass County facility.

**99-133** Bulkoa, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**99-134** People of the State of Illinois v. Peabody Coal Company - The Board accepted for hearing this water enforcement action against a Gallatin County facility.

**99-135** Remote Services, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Vermilion County facility.

**99-136** Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County and Waste Management, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999.

**99-137** Seitz Corporation v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

**99-138** Hancock Service Company v. IEPA - The Board accepted for hearing this tax certification appeal involving a Hancock County facility.

**99-139** Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999.

**99-140** Kathleen Konicki v. The County of Will and Waste Management of Illinois, Inc. - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999.

**99-141** Waste Management of Illinois, Inc. v. Will County Board - The Board accepted for hearing and consolidated the following third-party appeals for hearing: PCB 99-136, PCB 99-139, and PCB 99-140. The Board also accepted PCB 99-141 for hearing. All four appeals involve the same Will County pollution control facility. The County was ordered to file its record on or before May 19, 1999.

**99-142** American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners - The Board held for a later duplicitous/frivolous determination this citizen's Resource Conservation Recovery Act enforcement action involving a Cook County facility.

**99-143** People of the State of Illinois v. Heritage Environmental Services, LLC - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.

**99-144** United States Department of the Interior-Crab Orchard National Wildlife Refuge v. IEPA - United States Department of the Interior-Crab Orchard National Wildlife Refuge v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Williamson County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141(b) and 35 Ill. Adm. Code 309.102 which prohibit discharges not specifically allowed by National Pollutant Discharge Elimination System permit, Section 12(f) of the Environmental Protection Act (415 ILCS 5/12(f) (1996)).

**AS 99-6** In the Matter of: Petition of American Water Company's Alton Public Water Supply Replacement Facility Discharge to the Mississippi River for an Adjusted Standard from 35 Ill. Adm. Code 304.124, 304.106, and 302.203 - The Board accepted for hearing this request for an adjusted standard involving a Madison County facility.

**AC 99-36** County of Will v. Maureen Fee - The Board accepted an administrative citation against this Will County respondent.

**AC 99-37** IEPA v. C&L Tiling, Inc. - The Board granted complainant's motion to withdraw this administrative citation.

**AC 99-38** IEPA v. Upper Rock Island County Landfill, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

**AC 99-39** IEPA v. C&L Tiling, Inc. - The Board accepted an administrative citation against this Brown County respondent.

**AC 99-40** IEPA v. BFI Waste Systems of North America, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

**AC 99-41** IEPA v. BFI Waste Systems of North America, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

**AC 99-42** IEPA v. Fred Hood and Anne Hood - The Board accepted an administrative citation against these Macoupin County respondents.



# CALENDAR OF MEETINGS AND HEARINGS

## May

**11 ❖ 9:30 am** - PCB 97-50  
Lionel Trepanier, et al v. Speedway  
Wrecking Company and the Board of  
Trustees of the University of Illinois

James R. Thompson Center  
100 W. Randolph Street  
Room 11-512  
Chicago, IL

**12 ❖ 9:30 am** - PCB 97-50  
Lionel Trepanier, et al v. Speedway  
Wrecking Company and the Board of  
Trustees of the University of Illinois

James R. Thompson Center  
100 W. Randolph Street  
Room 11-512  
Chicago, IL

**18 ❖ 9:30 am** - PCB 97-234  
Antonio D.H. Nam v. Kikon Suh

James R. Thompson Center  
100 W. Randolph Street  
Room 11-512  
Chicago, IL

**19 ❖ 9:30 am** - PCB 97-234  
Antonio D.H. Nam v. Kikon Suh

James R. Thompson Center  
100 W. Randolph Street  
Room 11-512  
Chicago, IL

**20 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## JUNE

**3 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

**17 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## JULY

**8 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

**21 ❖ 10:30 am** - PCB 99-98  
Kendall-Grundy FS, Inc. v. IEPA

600 S. Second Street  
Hearing Room 403  
Springfield, IL

**22 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## AUGUST

**5 ❖ 11:30 am**  
**Pollution Control Board Meeting**  
**Springfield, IL**

**10 ❖ 9:30 am** - PCB 99-31  
Cass County Service Company v. IEPA

Illinois Police Training Board  
3rd Floor Conference Room  
600 S. Second Street  
Springfield, IL

**19 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## SEPTEMBER

**9 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

**23 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## OCTOBER

**7 ❖ 10:30 am**  
**Pollution Control Board Meeting**

James R. Thompson Center  
100 W. Randolph Street  
Suite 2-025  
Chicago, IL

**21 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## NOVEMBER

**4 ❖ 11:30 am**  
**Pollution Control Board Meeting**  
**Springfield, IL**

**18 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

## DECEMBER

**2 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

**16 ❖ 10:30 am**  
**Pollution Control Board Meeting**  
**Chicago, IL**

All Chicago Board Meetings will be held at the James R. Thompson Center, 100 W. Randolph Street, Suite 9-040 unless otherwise noted.

All Springfield Board Meetings will be held at 600 S. Second Street, Hearing Room 403 unless otherwise noted.

THE ILLINOIS POLLUTION CONTROL BOARD (IPCB) IS AN INDEPENDENT SEVEN-MEMBER BOARD WHICH ADOPTS THE ENVIRONMENTAL CONTROL STANDARDS FOR THE STATE OF ILLINOIS AND RULES ON ENFORCEMENT ACTIONS AND OTHER ENVIRONMENTAL DISPUTES.

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman  
Springfield

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Western Springs

Elena Z. Kezelis  
Springfield

Marili McFawn  
Inverness

Nicholas J. Melas  
Chicago

THE *ENVIRONMENTAL REGISTER* IS A NEWSLETTER PUBLISHED BY THE IPCB MONTHLY, AND CONTAINS UPDATES ON RULEMAKINGS, DESCRIPTIONS OF FINAL DECISIONS, THE BOARD'S HEARING CALENDAR, AND OTHER ENVIRONMENTAL LAW INFORMATION OF INTEREST TO THE PEOPLE OF THE STATE OF ILLINOIS.

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