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# Environmental Register

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J. Philip Novak, Chairman

Board Members:

G. Tanner Girard, Thomas E. Johnson,  
Nicholas J. Melas, Andrea S. Moore

Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620  
(312) 814-6032 TDD

Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(217) 524-8500

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

# Letter from the Chairman

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The Illinois Pollution Control Board makes every effort to use technology innovatively. Our goals are to increase the public's knowledge of Illinois' environmental laws and regulations, and to encourage public participation in the Board's activities. For some time now, the public has been able to use the Board's Web site to gain access to a wide range of information.

## Clerk's Office On-Line (COOL)

Our Clerk's Office On-Line (COOL) currently functions as an electronic file and case management system. Located on the Board's Web site, COOL allows the public 24-hour electronic access to case files and docket information. Access to this data helps simplify public participation in State environmental decision-making.

## Electronic Filing Pilot Project: May 2004

COOL is also designed to allow people to file documents electronically with the Clerk. The Board and its staff are now developing a voluntary pilot project that would gradually introduce the option of electronic filing, beginning with specific categories of cases. Our goal is to begin the pilot project Monday, May 3, 2004.

As we begin our pilot project, we expect parties and the public to gain meaningful benefits from it. The most obvious benefit is the environmental one: avoiding the expense and inconvenience of copying, delivering, and ultimately recycling paper filings. But, COOL also creates an electronic record of the documents filed in a pending Board case or rulemaking. This electronic "file cabinet" can then be searched and reviewed on-line and also downloaded. This capability can enhance public participation in rulemaking and contested cases.

## Volunteer to Participate

I hope your office will take advantage of this pilot project and assist us in developing electronic filing as a practical, cost-effective alternative to paper filing. If you would like to take part in this pilot project, please notify John Therriault in our Clerk's office at 312-814 3629. Our staff will discuss with you whether the filings you plan to make in the near future will meet the conditions of the pilot project.

Also, in order to participate in the Board's pilot project, you need first to obtain a State of Illinois digital signature certificate issued under the Electronic Commerce Security Act if you have not already done so to gain access to COOL. There is no fee to obtain the certificate. These digital signatures verify the identities of document senders, which promote the integrity and security of the electronic transactions. If you need to obtain a certificate, the Board's Web site includes a link to the subscriber agreement application.

The Board appreciates your interest, support, and participation. With your involvement, this effort will help expand our use of technology, simplify our procedures, and improve our service to parties and the general public.

Sincerely,



J. Philip Novak  
Chairman



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## Federal Update

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### **United States Environmental Protection Agency Adopts Amendments to the Research, Development, and Demonstration Permit Regulations for Municipal Solid Waste Landfills Under the Resource Conservation and Recovery Act**

On March 22, 2004 (69 Fed. Reg. 13242), the United States Environmental Protection Agency (USEPA) adopted amendments to the requirements for the research, development, and demonstration permits for municipal solid waste landfills.

In this rulemaking, USEPA revised the criteria for Municipal Solid Waste Landfills (MSWLF) to allow states to issue research, development, and demonstration (RD&D) permits for new and existing MSWLF units and lateral expansions. This rule will allow Directors of approved state programs to provide a variance from certain MSWLF criteria, provided that MSWLF owners/operators demonstrate that compliance with the RD&D permit will not increase risk to human health and the environment over compliance with a standard MSWLF permit. USEPA finalized this alternative permit authority to promote innovative technologies associated with landfilling of municipal solid waste. RD&D permits may provide a variance from existing requirements for run-on control systems, liquids restrictions, and the final cover requirements. No variances from any other requirements of MSWLF criteria, unless already provided for in the existing regulations, are allowed under this rule.

This rule is effective on April 21, 2004.

For further information contact the RCRA Hotline at 800-424-9346 or TDD 800-553-7672 (hearing impaired). For information on specific aspects of this rule, contact Mr. Paul Cassidy, Municipal and Industrial Solid Waste Division of the Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703/308-7281; e-mail: [CASSIDY.PAUL@EPA.GOV](mailto:CASSIDY.PAUL@EPA.GOV).

The Board will include any necessary amendments to Board rules resulting from this federal action in a future RCRA identical in substance rulemaking pursuant to Section 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4 (2002)).

### **United States Environmental Protection Agency Proposes Minor Corrections and Clarifications to the National Primary Drinking Water Regulations Under the Safe Drinking Water Act**

On March 2, 2004 (69 Fed. Reg. 9781), the United States Environmental Protection Agency (USEPA) proposed minor changes to clarify and correct the drinking water regulations.

This proposal would clarify typographical errors, inadvertent omissions, editorial errors, and outdated language in the final Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), the Surface Water Treatment Rule, and other rules. In addition to these clarifications, USEPA is proposing optional monitoring for disinfection

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profiling and an earlier compliance date for some requirements in the LT1ESWTR, and a detection limit for the Uranium Methods. This action proposes no new monitoring or reporting requirements.

Comments must be submitted on or before May 3, 2004 to: Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. OW-2003-0066.

For technical inquiries, contact Tracy Bone, Office of Ground Water and Drinking Water (MC 4607), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5257.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (2002)).

### **United States Environmental Protection Agency Adopts Amendments to the National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines Under the Clean Air Act**

On March 5, 2004 (69 Fed. Reg. 10511), the United States Environmental Protection Agency (USEPA) adopted amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary combustion turbines.

This action promulgates NESHAP for stationary combustion turbines. USEPA has identified stationary combustion turbines as major sources of hazardous air pollutants (HAP) emissions such as formaldehyde, toluene, benzene, and acetaldehyde. The NESHAP will implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology for combustion turbines. In the final NESHAP, USEPA divided the stationary combustion turbine category into eight subcategories; lean premix gas-fired turbines, lean premix oil-fired turbines, diffusion flame gas-fired turbines, diffusion flame oil-fired turbines, emergency turbines, turbines with a rated peak power output of less than 1.0 megawatt, turbines burning landfill or digester gas, and turbines located on the North Slope of Alaska.

USEPA has also adopted a final emission standard requiring control of formaldehyde emissions for all new or reconstructed stationary combustion turbines in the four lean premix and diffusion flame subcategories. USEPA estimates that 20 percent of the stationary combustion turbines affected by the final rule will be located at major sources. The final rule will protect public health by reducing exposure to air pollution, by reducing total national HAP emissions by an estimated 98 tons per year (tpy) in the 5th year after the rule is promulgated.

This rule is effective March 5, 2004.

For further information contact Mr. Sims Roy, Combustion Group, Emission Standards Division (MD-C439-01), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541-5263; facsimile number (919) 541-5450; email address roy.sims@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2002)), once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### **United States Environmental Protection Agency Adopts Direct Final Rule Approving Illinois' Definition of Volatile Organic Material and Volatile Organic Compound for the State Implementation Plan**

On March 23, 2004 (69 Fed. Reg. 13474), the United States Environmental Protection Agency (USEPA) published a direct final rule, and a companion proposed rule, to approve the Illinois definition of Volatile Organic Material (VOM) and Volatile Organic Compound (VOC) for the State Implementation Plan (SIP).

In this action, USEPA is approving Illinois' October 31, 2003 request to revise the definition of VOM and VOC to incorporate exemptions for several nonreactive compounds from the definition of VOM and VOC and thereby, from

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regulation as ozone precursors. These requested SIP revisions were made in response to, and consistent with, USEPA's action to add these chemical compounds to the list of chemicals that are exempted from the definition of VOC. In the proposed rule, USEPA is proposing approval of and soliciting public comment on these requested SIP revisions. If adverse comments are received on this action, USEPA will withdraw the final rule and address the comments received in a final rule on the related proposed rule. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

This rule is effective on May 24, 2004, unless USEPA receives adverse written comments by April 22, 2004. If USEPA receives adverse comments, USEPA will publish a timely withdrawal of the rule in the *Federal Register* and inform the public that the rule will not take effect.

Comments should be sent to: J. Elmer Bortzer, Acting Chief, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

For further information contact Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number (312) 886-1767, email at dagostino.kathleen@epa.gov.

## **Rule Update**

### **Board Orders Additional Hearings in Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910 (R03-09)**

On March 4, 2004, the Board issued an order authorizing two additional hearings in Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910 (R03-09). The Board stated that, to address issues raised by commenters, the Board would develop another first notice proposal to replace the proposal currently at first notice (published in the *Illinois Register* on July 25, 2003, at 27 Ill. Reg. 11908 and 11989). Two additional hearings will be held to address issues that have been raised in public comments and at hearings in this rulemaking.

By way of background, on October 16, 2003, the Board issued an order addressing five public comments. Those comments were from Scot Forge, Vaughn and Bushnell Manufacturing, Intermet Decatur Foundry, Boughton Trucking and Materials Inc. (Boughton), and the Illinois Association of Aggregate Producers (Association). Boughton and the Association requested a third hearing in this matter and the Board agreed to hold a third hearing. The remaining three commenters sought changes in site-specific regulations governing the respective companies. In its October, 2002 order, the Board acknowledged these comments, but noted that no changes had been proposed to many of the relevant sections had not been noticed as a part of the first-notice required under the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et. seq.* (2002) (APA)). Therefore the relevant sections would require first-notice publication before the Board could proceed. To avoid undue delay in this proceeding, the Board encouraged the companies to petition the Board for site-specific changes in future rulemaking dockets.

In response to the request made by Boughton and the Association, on February 9, 2004, the Board held a third hearing in this proceeding. But, the Association could not attend that hearing; the hearing officer noted that a review of the Board's records indicated that hearing notice had not been sent to the Association. The Association agreed to accommodate the Board and supply only written comments if the Association could be given sufficient preparation time.

At the hearing Scot Forge presented testimony in support of a change in the site-specific rule currently applicable to Scot Forge. Scot Forge also agreed to examine the opinion and order that granted the site-specific rule and to provide additional comment on the applicability and need for a site-specific change. (Atlas Forging Division of Scot Forge R83-34)

In its March 4, 2004 order, the Board observed that under the Administrative Procedure Act (APA), a rule cannot be adopted or filed more than one year after the first-notice period begins. 5 ILCS 100/5-40(e). (2002). The Board

found that it was unlikely to be able to give the Association sufficient time to prepare written comments, and to complete this rulemaking under the APA timeframes. Therefore, the Board determined that it would need to refile the proposal for first notice under the APA. Because the Board will refile, the Board found that administrative economy supports inclusion of the site-specific changes in the new first notice. To ensure that a complete record is developed the Board determined it would hold two additional hearings so that the companies seeking a site-specific change can fully participate and so that the Association would have the opportunity to testify.

Copies of the Board's order in R03-9 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For additional information contact Marie Tipsord at 312/814-4925; email address [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us).

**Board Adopts Final Opinion and Order in SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003) (R04-03)**

On March 4, 2004, the Board adopted a final opinion and order in SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003) (R04-03). The Board adopted amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (1994)). The Board made only minor, nonsubstantive changes to the proposal it adopted for public comment that was published in the *Illinois Register* on January 9, 2004 at 28 Ill. Reg. 481. The adopted rulemaking was sent to the Secretary of State's Index department and published in the *Illinois Register* at 28 Ill. Reg. 5269, with a March 10, 2004 effective date.

The substantive amendments involved in this proceeding deal with a March 25, 2003 (68 Fed. Reg. 14502) federal action amending the revised MCL for arsenic. USEPA changed the standard from 0.01 mg/l to 0.010 mg/l. USEPA stated that the change in significant digits for the standard clarifies that an arsenic content as high as 0.0149 is not acceptable, as was allowed under the standard of 0.01 mg/l. USEPA adopted the revised arsenic standard on January 22, 2001 (at 66 Fed. Reg. 6976). It becomes effective on January 23, 2006.

The Board made additional, nonsubstantive, amendments to the Part 611 regulations in this rulemaking to correct sections of the rules not affected by the underlying federal amendments.

Copies of the Board's opinion and order in R04-3 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

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

**Board Dismisses 3 Identical in Substance Rulemaking Dockets As Unnecessary: UIC Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-14; UST Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-17; Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-19**

Every six months the Board reserves a series of dockets, for adoption of Board rules, to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On March 4, 2004, the Board dismissed as unnecessary three dockets reserved to consider rules adopted by USEPA during the period July 1, 2003 through December 31, 2003. In each of the three program areas described below, USEPA adopted no rules during the update period.

**UIC Program (R04-14).** Section 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/13(c) (2002)) requires the Board to adopt regulations that are "identical in substance" to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2002). Specifically, Section 13(c) relates to

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underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (2000)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

**UST Program (R04-17).** Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (2002)) requires the Board to adopt regulations which are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2002)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6993 (2000), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

**VOM Program (R04-19).** Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2002)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2002)), to exemptions from the definition of “volatile organic material” (VOM), those compounds that the United States Environmental Protection Agency (USEPA) has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

Copies of the Board’s separate dismissal orders in R04-14, R04-17, and R04-19 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

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

### **Board Adopts Proposal for Public Comment in RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 through June 30, 2003); RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) R04-05and R04-15 (consolidated)**

On March 18, 2004, the Board adopted a proposal for public comment in the consolidated rulemaking RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 through June 30, 2003); RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) R04-05and R04-15 (cons.). The rulemaking proposes amendments to the Illinois regulations that are “identical-in-substance” to municipal solid waste landfill (MSWLF) regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle D of the Resource Conservation and Recovery Act of 1976, 42 U.S.C §§ 6941-6949, (RCRA Subtitle D). The Board will accept public comment for 45 days after the proposal’s publication in the *Illinois Register*, and expects to adopt final rules in June 2004.

This docket includes federal MSWLF amendments that USEPA adopted in the period January 1, 2003 through June 30, 2003 and July 1, 2003 through December 31, 2003. The rulemaking proposal was sent to the Secretary of State and published in the April 2, 2004 issue of the *Illinois Register* at 28 Ill. Reg. 5577 and 5594. The Board will accept public comments for 45 days after publication, through May 17, 2004.

USEPA amended the federal RCRA Subtitle D MSWLF regulations once during the January 1, 2003 through June 30, 2003 period of docket R04-5. On June 18, 2003 (68 Fed. Reg. 36487) USEPA amended key definitions to allow disposal of residential lead-based paint waste that is not hazardous waste in a construction and demolition landfill that does not accept other household waste. Residential lead-based paint waste is defined as waste that contains lead-based paint that was generated in the course of abatement, rehabilitation, renovation, and remodeling activities in homes or other residential units. The term includes lead-based paint debris, chips, dust, and sludges.

USEPA amended the federal RCRA Subtitle D MSWLF regulations once during the July 1, 2003 through December 31, 2003 period of docket R04-15. On October 15, 2003 (68 Fed. Reg. 59333) USEPA amended the rules to add a note referencing the adoption of the Wendell H. Ford Aviation Investment Act (Pub. L. 106–181, effective April 5, 2000, amended 49 U.S.C. 44718(d)) prohibiting location of a new landfill within six miles of a certain public airports. USEPA added a note to its 40 C.F.R. 258.10 provision relating to location of a MSWLF in

proximity to an airport. USEPA deliberately chose not to amend the language of its location restriction provisions. USEPA instead chose to append a note to its location restrictions that referenced the federal statutory change that instituted a new restriction. The amended provision now prohibits establishing a new MSWLF within six miles of a federally-funded public airport served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 or fewer passengers, unless the FAA determines at the request of the state that the location would have no adverse impact on aviation safety.

The Board is proposing to amend the Illinois regulations to incorporate the two sets of federal amendments relating to disposal of residential lead-based paint waste and location of new MSWLF units in the vicinity of public airports.

Copies of the Board's opinion and order in R04-5/15 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

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

**Board Adopts First Notice Opinion and Order in Amendments to the Board's Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130 (R04-24)**

On March 18, 2004, the Board adopted a proposal for first notice in Amendments to the Board's Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130 (R04-24). The amendments are intended to reflect provisions of the new State Officials and Employees Ethics Act (5 ILCS 430, *created by* P.A. 93-615, eff. Nov. 19, 2003, *amended by* P.A. 93-617, eff. Dec. 9, 2003), as well as recent amendments to the Environmental Protection Act (415 ILCS 5 (2002)) and Administrative Procedure Act (5 ILCS 100 (2002)). The proposal has been sent to the Secretary of State's Index Department for publication in the *Illinois Register*. The Board will accept public comment for 45 days after the proposal's publication.

The Board had been addressing these procedural rule changes in rulemaking docket R04-8, along with other proposed procedural rule amendments that would allow electronic filing through the Board's new Clerk's Office On-Line or "COOL." However, the statutory-based changes and the electronic-filing changes are unrelated and their promulgation may need to proceed at different paces. In order to expedite the Board's review of the statutory amendments to the procedural rules the Board opened docket R04-24 to deal solely with the statutory-based changes to the procedural rules.

The new ethics statute, the State Officials and Employees Ethics Act (5 ILCS 430), necessitates changes to the Board's procedural rules on "*ex parte* communications." The Board is proposing to amend the definition of "*ex parte* communication" in Section 101.202 to track the statutory language in the Ethics Act defining the term. The Board also proposes to amend Section 101.114 on *ex parte* communications. The main change to this section reflects new statutory reporting requirements for the Board's ethics officer.

In these proposed amendments to its procedural rules, the Board is also addressing Public Acts that amended the Environmental Protection Act over approximately the past two years. Changes to the Environmental Protection Act in P.A. 93-152 (effective July 10, 2003) and P.A. 92-574 (effective June 26, 2002) resulted from recommendations of the Illinois Environmental Regulatory Review Commission (IERRC). Created in December 1999 by Executive Order 18, the IERRC was charged with reviewing and recommending improvements to the Environmental Protection Act, which was originally enacted in 1970.

P.A. 93-152, (effective July 10, 2003) amended the Environmental Protection Act in several significant ways: (1) having the Illinois Environmental Protection Agency (IEPA) rather than the Board issue provisional variances (*see* 35 Ill. Adm. Code 101.302(d); Part 104.Subpart C); (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing (*see* 35 Ill. Adm. Code 103.301); (3) updating incorporations by reference in Board rules through a new rulemaking procedure that does not require a public hearing or a request that the Department of Commerce and Economic Opportunity, formerly the Department of Commerce and Community Affairs, conduct an economic impact study on the proposed rules (*see* 35 Ill. Adm. Code 102.211); (4) authorizing prevailing citizen complainants before the Board to go to circuit court to enforce a final Board order by injunction



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or other relief (*see* 35 Ill. Adm. Code Part 103. Subpart F); and (5) clarifying that the administrative citation civil penalty amount of \$1,500 (or \$3,000 for a subsequent violation) is to be imposed for each violation of each provision of Section 21(p) of the Environmental Protection Act (415 ILCS 5/21(p) (2002)) (*see* 35 Ill. Adm. Code 108.500).

P.A. 92-574 (effective June 26, 2002) resulted in a number of non-substantive changes to the Environmental Protection Act. The Board now proposes corresponding changes to its procedural rules. For example, the word “duplicitous,” confusing when referring to citizen complaints, is changed to “duplicative.” *See* 35 Ill. Adm. Code 101.202; Part 103.Subpart B.

P.A. 93-171 (effective July 10, 2003) amends the Environmental Protection Act’s provisions (Sections 52.3-1, 52.3-2, and 52.3-4) addressing Environmental Management Systems Agreements or “EMSAs.” EMSAs are agreements between the IEPA and a “sponsor” designed to implement innovative environmental measures not otherwise allowed under the law.

The P.A. 93-171 amendments specify that EMSAs may be executed with participants in the United States Environmental Protection Agency’s (USEPA) “Federal Performance Track Program,” which is the successor to USEPA’s “Federal XL Program.” USEPA operates the Federal Performance Track Program to “recognize and reward businesses and public facilities that demonstrate strong environmental performance beyond current regulatory requirements.” Section 52.3-1(a)(6). P.A. 93-171 states that the IEPA may terminate an EMSA if the sponsor ceases to participate in the Federal Performance Track Program. The Board proposes to amend its procedural rules at Section 106.704 to specify this additional ground for IEPA termination of EMSAs and the sponsors right to appeal that termination to the Board.

P.A. 93-509 (effective August. 11, 2002) amends Section 5 of the Environmental Protection Act. Among other things, this legislation reduces the number of Board members from seven to five and correspondingly reduces the number of Board members needed for a majority vote. Accordingly, the Board proposes to amend the definition of “Board decision” in the procedural rules to reflect that the favorable vote of at least three rather than four Board members is required for a Board decision. *See* 35 Ill. Adm. Code 101.202; *see also* Section 101.300(d)(1).

Also amended since the Board last completely revised its procedural rules in January 2001 is the Administrative Procedure Act. Due to P.A. 92-330 (effective August 9, 2001), the Administrative Procedure Act now requires rulemaking proposals published in the *Illinois Register* to describe any published study or research report used in developing the rule and where the public may obtain a copy. This new requirement is reflected in proposed changes to the procedural rules at 35 Ill. Adm. Code Sections 102.202, 102.210, and 102.820.

Copies of the Board’s opinion and order in R04-24 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For additional information contact Richard McGill at 312-814-6983; e-mail address [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us)

## **Appellate Update**

### **Third District Grants The Board’s Motion To Dismiss Appeal in *Watson v. County Board of Kankakee County, et al.*, No.3-03-0919 (February 26, 2004) (PCB 03-134 (cons. with PCB 03-125, 03-133 and 03-135))**

In February 26, 2004 final unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), in *Watson v. County Board of Kankakee County, Illinois, Waste Management of Illinois, Inc., City of Kankakee, Merlin Karlock, and Keith Runyon*, No. 3-03-0919, the Third District Appellate Court dismissed Michael Watson’s appeal for lack of jurisdiction. When filing the appeal, Watson did not name the Board as a party respondent. The Board argued that the appellant’s failure to name all necessary parties of record pursuant to Supreme Court Rule 335 was a fatal error. On March 2, 2004, the Court denied Watson’s motion for leave to file an amended petition for review.

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In an affidavit mailed March 5, 2004, Michael Watson advised the Board of his intent to file a petition for leave to appeal with the Illinois Supreme Court under Supreme Court Rule 315 (155 Ill. 2d R 315). The Supreme Court has received and docketed the appeal as Watson v. County Board of Kankakee County, Illinois, Waste Management of Illinois, Inc., City of Kankakee, Illinois Pollution Control Board, Merlin Karlock, and Keith Runyon, No. 98139 (filed March 31, 2004).

The underlying case, PCB 03-134, is one of four consolidated cases involving the same local siting decision, all decided by the Board in a single opinion and order. City of Kankakee v. County of Kankakee, Kankakee County Board and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, Kankakee County Board and Waste Management of Illinois; Michael Watson v. County Board of Kankakee County, Illinois and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc., PCB 03-125, PCB 03-133, PCB 03-134, PCB 03-135 (cons.) (August 7, 2003).

On January 31, 2003, the Kankakee County Board reached a decision granting site location approval, with conditions, to Waste Management of Illinois, Inc. for a “regional pollution control facility.” Waste Management sought approval to expand around its existing 179 acre site, to result in an expanded site covering 664 acres, with a 302-acre disposal site. The County of Kankakee as well as Michael Watson, owner of United Disposal Systems (a competitor to Waste Management), and two individual citizens (Merlin Karlock and Keith Runyon) each filed separate appeals of the same County decision. The various appeals argued that the County lacked jurisdiction to decide siting (raised by all petitioners save Runyon), that the County proceedings were fundamentally unfair, and that the County decision finding that the statutory siting criteria had been met was against the manifest weight of the evidence.

In its August 7, 2003 opinion and order, the Board determined that the County lacked jurisdiction to decide the application because Waste Management had improperly failed to notify all landowners as required by Section 39.2 (b) of the Environmental Protection Act. (415 ILCS 5/39.2(b)) (2002)). The Board accordingly vacated the County decision without reaching the other issues presented. (On the same day, in a separate order in a separate case, the Board granted Waste Management’s motion to withdraw its appeal of the conditions the County had imposed on its grant of siting approval. See Waste Management of Illinois, Inc. v. Kankakee County Board, PCB 04-144 (August 7, 2003).)

Watson sought Board reconsideration of a finding regarding certified mail service of a landowner, as well as the finding that he did not qualify for an exemption as a “citizen’s group” from payment to the city to pay record preparation costs under Section 39.2(n) of the Act and 35 Ill. Adm. Code 107.306. The Board denied motions for reconsideration by Watson and others by summary order of October 16, 2003.

The Third Appellate District’s dismissal of Watson’s appeal leaves pending before it Waste Management’s appeal of the Board’s August 7, 2003 decision. Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon and Michael Watson, No. 3-03-0924.

## **Board Actions**

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**March 4, 2004**  
**Springfield, Illinois**

### **Rulemakings**

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</u> – The Board issued an order authorizing two additional hearings and the publishing of a second first notice opinion and order which includes consideration of changes in site-specific regulations.	5-0 R, Noise
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## Environmental Register – March 2004

R04-3	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s public water supply regulations.	5-0 R, Water
R04-14	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2003 through December 31, 2003.	5-0 R, Land
R04-17	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2003 through December 31, 2003.	5-0 R, Land
R04-19	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material during the update period of July 1, 2003 through December 31, 2003.	5-0 R, Air

### Administrative Citations

AC 04-36	<u>IEPA v. V-Max Materials, Inc.</u> – The Board found that this Grundy County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 04-41	<u>IEPA v. Cheryl Clayton</u> – The Board accepted for hearing this petition for review of an administrative citation against this Adams County respondent.	5-0
AC 04-43	<u>County of Jackson v. Frank Stonemark</u> – The Board denied respondent’s motion to extend time to file petition to contest administrative citation, but considered the request itself to be a deficient petition for review. The Board ordered petitioner file an amended petition for review curing deficiencies, by March 31, 2004, or this matter would be subject to dismissal.	5-0
AC 04-45	<u>IEPA v. Herbert Lust d/b/a Bement Plumbing Supply Company and Francis Ann Lust</u> – The Board accepted for hearing this petition for review of an administrative citation against these Piatt County respondents.	5-0

### Motions and Other Matters

PCB 97-119	<u>People of the State of Illinois v. G&amp;M Total, Inc., George Papas individually and</u>	5-0
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Environmental Register – March 2004

	<u>as president of G&amp;M Total, Inc.</u> – The Board granted complainant’s motion for summary judgment in part, finding that respondents violated Sections 35 Ill. Adm. Code 731.160, 731.162, and 731.163 of the Board’s underground storage tank regulations. The Board, however, denied the complainant’s motion for summary judgment regarding the alleged violation of 415 ILCS 5/12(a) (2002) of the Environmental Protection Act and the requested relief, and ordered the parties to hearing on those remaining issues.	L-E
PCB 99-19	<u>Karen &amp; Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board granted respondent’s motion to stay its February 5, 2004 order pending appellate review.	5-0 A-E
PCB 02-186	<u>People of the State of Illinois v. Van Melle U.S.A., Inc.</u> – The Board denied the motion to strike the second affirmative defense alleging that a third party is responsible for the alleged violations but struck the third affirmative defense alleging that the Agency’s actions in denying permits were “unlawful.” Finally, the Board reserved ruling on the first affirmative defense of <i>laches</i> for 30 days, finding that the affirmative defense of <i>laches</i> has not been sufficiently plead. The Board directed respondent to file an amended response by April 5, 2004, or the Board will strike the affirmative defense.	5-0 A-E
PCB 04-4	<u>People of the State of Illinois v. Best-Way Construction &amp; Remediation, Inc. and Clinton 6 L.L.C.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-85	<u>Robert and Tony Thompson v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	5-0 UST Appeal
PCB 04-98	<u>People of the State of Illinois v. Onyx Environmental Services, L.L.C. and Aura II, Inc.</u> – The Board accepted for hearing this permit appeal involving a LaSalle County facility. The Board granted attorney Debra A. Salter permission to appear <i>pro hac vice</i> on behalf of respondent Aura II, Inc.	5-0 A,L,&W-E
PCB 04-142	<u>People of the State of Illinois v. Village of Poplar Grove and R.H. Batterman &amp; Company, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Boone County.	5-0 PWS-E
PCB 04-143 PCB 04-145	<u>Great Lakes Dredge &amp; Dock Company v. IEPA</u> – The Board accepted for hearing the January 14, 2004 rejection of an October 2003 first amendment to the Site Investigation Budget, as PCB 04-143. On its own motion, the Board reserved a second docket, PCB 04-145 for the review of the February 9, 2004 rejection of the October 2003 corrective action plan and associated budget. Petitioner was directed to file an amended petition under docket number PCB 04-145, accompanied by the statutory filing fee, within 35 days of the date of this order <i>i.e.</i> on or before April 8, 2004.	5-0 UST Appeal

## Environmental Register – March 2004

PCB 04-144	<u>Bryant Automotive v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.	5-0 UST Appeal 90-Day Ext.
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### March 18, 2004 Chicago, Illinois

#### Rulemakings

R04-5	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 through June 30, 2003); In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – On its own motion, the Board consolidated and adopted a proposal for public comment in these “identical-in-substance” rulemakings to amend the Board’s Municipal Solid Waste Landfill regulations.	5-0
R04-15		R, Land
Cons.		
R04-24	<u>In the Matter of: Amendments to the Board’s Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural regulations.	5-0 R, Proc.

#### Administrative Citations

AC 04-35	<u>County of Montgomery v. Lance Vernish and Christine Vernish</u> – The Board found that these Montgomery County respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 04-37	<u>County of Jackson v. Gary Clover</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-38	<u>IEPA v. Emmett Engel</u> – The Board found that this JoDaviess County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 04-40	<u>IEPA v. Knox County Landfill Committee and Greg Ingles</u> – The Board found that these Knox County respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0

## Environmental Register – March 2004

AC 04-42      County of Jackson v. Gary Easton – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.      5-0

AC 04-44      County of Jackson v. Gary Easton – The Board found that this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.      5-0

### Decisions

PCB 02-162      People of the State of Illinois v. Fox Valley Dry Wall, Inc. – In this land enforcement action concerning a Kane County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$8,000 and to cease and desist from further violations.      5-0  
L-E

PCB 03-5      People of the State of Illinois v. Star Electronics, Inc. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000 and to cease and desist from further violations.      5-0  
A-E

PCB 04-33      Byron Sandberg v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; County of Kankakee, Illinois and Edward D. Smith, Kankakee County States Attorney v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. – The Board affirmed the August 18, 2003 decision of the City of Kankakee approving Town & Country's application to site a new pollution control facility.      5-0  
PCB 04-34      P-C-F-S-R  
PCB 04-35      3d Party  
Cons.

### Motions and Other Matters

PCB 97-193      People of the State of Illinois v. Community Landfill Company, Inc. – The Board denied respondent's motion for leave to file a third amended complaint and struck the third amended complaint.      5-0  
L-E

PCB 03-220      People of the State of Illinois v. Lehigh Press, Inc. a/k/a Lehigh Press-Cadillac, Lehigh Cadillac-Direct, Lehigh Digital, and Lehigh Direct – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.      5-0  
A-E

Environmental Register – March 2004

PCB 04-13	<u>People of the State of Illinois v. Intermatic Incorporated</u> – The Board granted complainant’s motion to dismiss count IV of the complaint, which alleges violations of the air pollution control regulations.	5-0 A-E
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board denied respondents motion to dismiss or in the alternative strike.	5-0 L-E
PCB 04-86	<u>Braun Oil Company (Corrective Action Plan) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Randolph County facility.	5-0 UST Appeal
PCB 04-89	<u>Russell Oil (April 29, 2003 to June 30, 2003) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Saline County facility.	5-0 UST Appeal
PCB 04-90	<u>A&amp;R, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-91	<u>Thomeczek Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-146	<u>Jean A. Mathison and Rockford Stop-N-Go, Inc. v. Illinois Office of State Fire Marshal and IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Boone County facility. The Board dismissed the Illinois Environmental Protection Agency as a respondent in this matter.	5-0 UST Appeal
PCB 04-147	<u>Cooper Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Clay County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-148	<u>Illioopolis Grain Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.	5-0 UST Appeal 90-Day Ext.

Environmental Register – March 2004

PCB 04-149	<u>Great Lakes Dredge &amp; Dock Company v. IEPA</u> – On its own motion, the Board reserved this docket for the review of the February 9, 2004 rejection of the October 2003 corrective action plan and associated budget. Petitioner was directed to file an amended petition under docket number PCB 04-145, accompanied by the statutory filing fee, within 35 days of the date of this order <i>i.e.</i> on or before April 8, 2004.	5-0 UST Appeal 90-Day Ext.
PCB 04-150	<u>Pontiac Casey’s, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Livingston County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-156	<u>Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA</u> – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving a Jersey County facility with PCB 03-156, PCB 03-157, and PCB 03-158.	5-0 UST Appeals
PCB 03-157		
PCB 03-158		
PCB 04-151		
PCB 04-152		
PCB 04-153		
PCB 04-154		
PCB 04-155	<u>Elston/Webster, L.P. and Renaissance Realty Group L.L.C. (High Priority Corrective Action Plan and Modeling Report) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-156	<u>Keller Oil/Centralia v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility.	5-0 UST Appeal
PCB 04-157	<u>Joe’s Mobil v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
PCB 03-24	<u>Hannel Oil Company (January 1, 2001 to June 30, 2001; July 1, 2000 to December 31, 2000; August 1, 2002 to November 30, 2002) v. IEPA</u> – The Board accepted PCB 04-158 for hearing. The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Morgan County facility with PCB 03-24 and PCB 03-25.	5-0 UST Appeal
PCB 03-25		
PCB 04-158		
PCB 04-159	<u>Biggs Brothers Service Center v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this St. Clair County facility.	5-0 UST Appeal 90-Day Ext.



PCB 04-160      ISG Hennepin, Inc. v. IEPA – The Board dismissed this petition to review a February 4, 2004 determination of the Illinois Environmental Protection Agency as improperly filed. The motion to appear *pro hac vice* was accordingly denied as moot.      5-0  
W-V

## **New Cases**

### **March 4, 2004 Board Meeting**

**04-142** People of the State of Illinois v. Village of Poplar Grove and R.H. Batterman & Company, Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Boone County.

**04-143** Great Lakes Dredge & Dock Company v. IEPA – The Board accepted for hearing the January 14, 2004 rejection of an October 2003 first amendment to the Site Investigation Budget, as PCB 04-143.

**04-144** Bryant Automotive v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.

**04-145** Great Lakes Dredge & Dock Company v. IEPA – On its own motion, the Board reserved this docket for the review of the February 9, 2004 rejection of the October 2003 corrective action plan and associated budget. Petitioner was directed to file an amended petition under docket number PCB 04-145, accompanied by the statutory filing fee, within 35 days of the date of this order *i.e.* on or before April 8, 2004.

### **March 18, 2004 Board Meeting**

**04-146** Jean A. Mathison and Rockford Stop-N-Go, Inc. v. Illinois Office of State Fire Marshal and IEPA – The Board accepted for hearing this underground storage tank appeal involving a Boone County facility. The Board dismissed the Illinois Environmental Protection Agency as a respondent in this matter.

**04-147** Cooper 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 this Clay County facility.

**04-148** Illioopolis Grain 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 this Sangamon County facility.

**04-149** Great Lakes Dredge & Dock Company v. IEPA – On its own motion, the Board reserved this docket for the review of the February 9, 2004 rejection of the October 2003 corrective action plan and associated budget. Petitioner was directed to file an amended petition under docket number PCB 04-145, accompanied by the statutory filing fee, within 35 days of the date of this order *i.e.* on or before April 8, 2004.

**04-150** Pontiac Casey's, 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 this Livingston County facility.

**04-151** Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner's motion to consolidate these underground storage tank appeals involving a Jersey County facility with PCB 03-156, PCB 03-157, and PCB 03-158.

**04-152** Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner's motion to consolidate these underground storage tank appeals involving a Jersey County facility with PCB 03-156, PCB 03-157, and PCB 03-158.

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**04-153** Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving a Jersey County facility with PCB 03-156, PCB 03-157, and PCB 03-158.

**04-154** Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving a Jersey County facility with PCB 03-156, PCB 03-157, and PCB 03-158.

**04-155** Elston/Webster, L.P. and Renaissance Realty Group L.L.C. (High Priority Corrective Action Plan and Modeling Report) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

**04-156** Keller Oil/Centralia v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility.

**04-157** Joe’s Mobil v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.

**04-158** Hannel Oil Company (January 1, 2001 to June 30, 2001; July 1, 2000 to December 31, 2000; August 1, 2002 to November 30, 2002) v. IEPA – The Board accepted PCB 04-158 for hearing. The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Morgan County facility with PCB 03-24 and PCB 03-25.

**04-159** Biggs Brothers Service Center v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this St. Clair County facility.

**04-160** ISG Hennepin, Inc. v. IEPA – The Board dismissed this petition to review a February 4, 2004 determination of the Illinois Environmental Protection Agency as improperly filed. The motion to appear *pro hac vice* was accordingly denied as moot.

**AC 04-054** IEPA v. U.S. Scrap and Metal – The Board accepted an administrative citation against this Macon County respondent.

**AC 04-055** IEPA v. Josiah W. Collins II and Lori Hilton – The Board accepted an administrative citation against these McDonough County respondents.

**Calendar**

<p><b>4/01/04 11:00AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>		<p><b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b></p>
<p>4/1/04 1:30PM</p>	<p>R04-21</p>	<p>In the Matter of: Revisions to Radium Water Quality Standards: Proposed new 35 Ill. Adm. 302.307 and amendments to 35 Ill. Adm. Code 302.207 and 302.525</p>	<p>James R. Thompson Center, Room 8-033 100 West Randolph Street Chicago</p>

Environmental Register – March 2004

4/05/04 1:00PM	AC 04-13	City of Chicago Department of Environment v. Eddie Greer	Illinois Pollution Control Board Room 11-512 100 West Randolph Street Chicago
4/7/04 10:00AM	AC 04-27	IEPA v. Douglas S Carrico d/b/a Carricos Auto Heap	City Hall Council Room 621 S. Main Street Carrollton
4/14/04	AC 04-25	IEPA v. Colorado Real Estate & Investment Co. (Kingspark Mobile Estates)	Peoria County Board Room 324 Main Street Peoria
<b>4/15/04 11:00AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago</b>
4/23/04 12:00PM	AS 04-25	In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 IAC Section 215.301	West Frankfort City Hall 201 East Nolen Street, Council Room West Frankfort
4/27/04 10:00AM	PCB 03-16	King's 66 Service Station v. IEPA	Madison County Courthouse 155 N. Main Street Edwardsville
4/28/04 10:00AM	PCB 04-83	Wei Enterprises (March 1, 2002 to February 28, 2003) v. IEPA	Belleville City Council Chambers 101 S. Illinois Street Belleville
4/29/04 10:00AM	PCB 03-88	R. W. Sheridan Oil Company (High Priority Corrective Action Plan) v. IEPA (Consolidated: PCB 03-88 and 04-109)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
4/29/04 10:00AM	PCB 04-109	R. W. Sheridan Oil Company (High Priority Corrective Action Plan) v. IEPA (Consolidated: PCB 03-88 and 04-109)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
4/29/04 10:00AM	PCB 04-52	Kramer's Service Station v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
4/30/04 10:00AM	PCB 03-88	R. W. Sheridan Oil Company (High Priority Corrective Action Plan) v. IEPA (Consolidated: PCB 03-88 and 04-109)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
4/30/04 10:00AM	PCB 04-109	R. W. Sheridan Oil Company (High Priority Corrective Action Plan) v. IEPA (Consolidated: PCB 03-88 and 04-109)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
4/30/04 10:00AM	PCB 04-52	Kramer's Service Station v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield

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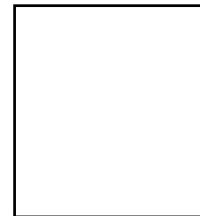
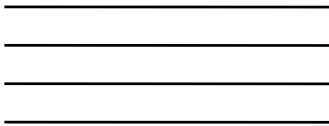
<b>5/6/04</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board Hearing Room 1244 N, First Floor 1021 N. Grand Avenue East Springfield</b>
5/6/04 1:30pm	R04-12	Technical Correction to Formulas in 35 Ill. Adm. Code 214 "Sulfur Limitations"	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue east, North Entrance Springfield
5/6/04 1:30pm	R04-20	In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East, North Entrance Springfield
5/6/04 2:30pm	R04-21	In the Matter of: Revisions to Radium Water Quality Standards: Proposed new 35 Ill. Adm. Code 302.307 and amendments to 35 Ill. Adm. Code 302.207 and 302.525	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East, North Entrance Springfield
5/7/04 10:30AM	AC 03-32	IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales	Peoria County Board Room 324 Main Street Peoria
5/12/04 9:00AM	PCB 96-10	Vogue Tyre & Rubber Company v. IEPA	Illinois Pollution Control Board Room 11-512 100 W. Randolph Street Chicago
<b>5/20/04</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago</b>
5/25/04 9:00AM	R04-22	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	McLean County Law and Justice Center 104 S. Front, Room 700 Bloomington
5/25/04 10:00AM	R04-23	In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (Consolidated: R04-22 and R04-23)	McLean County Law and Justice Center 104 S. Front, Room 700 Bloomington
6/1/04 10:30AM	AC 03-32	IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales	Peoria County Board Room 324 Main Street Peoria



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

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

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Illinois Pollution Control Board  
Environmental Register Coordinator  
1021 N. Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274