

# Environmental Register

NUMBER 542



AUGUST 1999

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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## IPCB LEGISLATION

On July 20, 1999, Governor Ryan signed SB 1105 into law as Public Act 91-214. This legislation, introduced for the Pollution Control Board, will increase the Board's ability to hire additional, highly qualified technical staff with the scientific expertise necessary to handle the Board's impending caseload over the next several years. Among other things, the Board will be required to promulgate rules to implement stricter Clean Air Act, Clean Water Act, and Safe Drinking Water Act requirements recently adopted by the federal government. Specifically, the bill exempts the Board's scientific technical positions from the State's Personnel Code so that the Board can pursue individuals who are highly skilled in the very specific fields required for the position.

2 IPCC LEGISLATION CONTINUED ON PAGE FOUR

## FEDERAL ACTIONS

### United States Environmental Protection Agency Amends Application Requirements for Publicly Owned Treatment Works

On August 4, 1999, the United States Environmental Protection Agency (USEPA) amended permit application requirements and application forms for publicly owned treatment works (POTW) and other treatment works treating domestic sewage (TWTDS). 64 Fed. Reg. 42433 (August 4, 1999). TWTDS include those facilities that generate sewage sludge, provide commercial treatment of sewage sludge, manufacture a product derived from sewage sludge, or provide disposal of

2 FEDERAL ACTIONS CONTINUED ON PAGE TWO

## BOARD UPDATE

Effective August 20, 1999, Kathleen M. Hennessey resigned from her position on the Board in order to accept a position as senior environmental attorney with DaimlerChrysler Corporation in Auburn Hills, Michigan. The Board thanks Board Member Hennessey for her years of dedicated service to the Board and to the citizens of the State of Illinois. She will be sorely missed. Everyone at the Board wishes Member Hennessey continued success in her challenging new legal position. Also, we wish her happiness as she moves closer to her family in Michigan.

## RULEMAKING UPDATE

### Board Adopts Amendments in In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301.302, and 309.141, R99-8

On August 19, 1999, the Board adopted amendments to 35 Ill. Adm. Code 301, 302, and 309.141 regarding permitting procedures for the Lake Michigan Basin in accordance with the National Pollutant Discharge Elimination System (NPDES) program. The IEPA stated in its July 28, 1998 proposal that these amendments are necessary to implement the federal Great Lakes Initiative (GLI) which was previously adopted by the Board. See In the Matter of: Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101, 302.105, 302.Subpart E, 303.443, and 304.222 (December 18, 1997), R97-25. The proposal was filed pursuant to Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (1998)).

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## FEDERAL ACTIONS CONTINUED

The amendments adopted by the USEPA consolidate the POTW application requirements, including information regarding toxic monitoring, whole effluent toxicity testing, industrial user and hazardous waste contributions, and sewer collection system overflows. The most significant revisions require toxic monitoring by major POTWs (and other pretreatment POTWs) and limited pollutant monitoring by minor POTWs.

The USEPA indicated that it has revised these regulations to ensure that permitting authorities obtain the information necessary to issue permits which protect the environment in the most efficient manner. The forms are designed to make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities. The USEPA expects the rule to reduce current annual reporting and record keeping burdens by 21 percent, by standardizing the forms to match information requests with information needs.

### **U**nited States Environmental Protection Agency Amends Standards for the Use or Disposal of Sewage Sludge

On August 4, 1999, the United States Environmental Protection Agency (USEPA) amended existing regulations regarding land application, surface disposal, and incineration of sewage sludge. 64 Fed. Reg. 42551 (August 4, 1999). The amendments are intended to (1) clarify existing regulatory requirements regarding operational standards for pathogen and vector attraction reduction and provide flexibility to the permitting authority and the regulated community in complying with the minimum frequency of monitoring requirements; (2) make the incineration subpart of the regulation totally self-implementing by providing information on air dispersion modeling, incinerator testing methods, and continuous emission monitors to the sewage sludge incinerator owner or operator and; (3) modify the current general pretreatment regulation for existing and new sources of pollution by adding a concentration limit for total chromium in land-applied sewage sludge and adding total chromium to the list of pollutants that are eligible for a removal credit issued by a wastewater treatment works treating domestic sewage.

### **U**nited States Environmental Protection Agency Reaches Settlement Agreement with JLM Chemicals, Inc., Plant Located at 3350 West 131st Street in Blue Island, Cook County, Illinois

On August 16, 1999, the United States Environmental Protection Agency (USEPA) announced that it has reached a settlement agreement with JLM Chemicals, Inc. (JLM) on alleged violations of federal regulations regarding organic hazardous air pollutants at JLM's plant at 3350 West 131st Street, Blue Island, Cook County, Illinois. JLM produces two organic products: cumene and phenol. JLM has agreed to pay a \$40,000 penalty. The agreement resolves an administrative complaint filed by the USEPA alleging JLM had improperly installed all the required volatile organic material control systems and did not notify the USEPA of its compliance status. The violations were discovered by the USEPA inspector in June 1997.

Cumene, at room temperature, is a colorless liquid that has a sharp, penetrating odor. Short-term effects include dizziness, skin and eye irritation, and skin rash. Noncarcinogenic long-term effects include drying and cracking skin and damage to lungs, liver, and kidneys. Phenol is a flammable, colorless or white solid, which is mainly sold and used as a liquid for making plastics, disinfectants, and medical products. It has an irritating, sweet, strong odor. Repeated exposure to low levels of phenol in drinking water has been linked to diarrhea and mouth sores in humans.

For more information about this settlement agreement, please contact Karl Karg at USEPA, Region V, Office of Regional Counsel, 312/886-7948.

### **U**nited States Environmental Protection Agency Issues Draft Guidance Manual and Example of a National Pollutant Discharge Elimination System Permit for Concentrated Animal Feeding Operations

On August 25, 1999, the United States Environmental Protection Agency (USEPA) issued a draft guidance manual and example of a national pollutant discharge elimination system (NPDES) permit for concentrated animal feeding operations (CAFOs). 64 Fed. Reg. 46390 (August 25, 1999). The draft guidance was published to meet one of USEPA's key action items in the United States Department of Agriculture (USDA) and the USEPA Unified National Strategy for Animal Feeding Operations, (Unified National Strategy), released in March 1999. The draft guidance is intended to provide assistance to the USEPA and state permit writers, who are responsible for issuing NPDES permits to reduce risk to water quality and human health from CAFOs.

The Unified National Strategy set forth a range of flexible, common-sense actions that the USDA and the USEPA plan to take over a multi-year period to promote proper management of animal manure and wastewater in order to minimize the water quality and public health impacts of CAFOs. In the short-term, the USEPA states that it is focused on improving implementation of the NPDES permitting program consistent with existing regulations. Over the long-term, the USEPA states that it plans to revise its regulations to reflect substantial changes in the animal production industry.

A key objective of both the Unified National Strategy and the draft guidance is to accelerate issuance of sound, legally defensible NPDES permits for large CAFOs (e.g., operations with greater than 1,000 animal units) by January 2000. The USDA is in the process of developing a companion document that will provide guidance on how to develop sound comprehensive nutrient management plans, which the USEPA and the state permitting authorities will incorporate into NPDES permits as special conditions.

Written comments should be submitted by October 25, 1999 to: Gregory Beatty, USEPA, 401 M Street, SW, Mail Code 4203, Washington, DC 20460. Submit electronic comments to: beatty.gregory@epa.gov

## RULEMAKING UPDATE

### CONTINUED

The amendments update the citation to the Code of Federal Regulations at Section 301.105, adding specialized definitions that are contained in the IEPA's rule at Section 352.104, and adding implementation procedures under Section 309.141(h). The amendments to the incorporations by reference under Section 301.105(c) update the citation to 40 C.F.R. § 136 to reflect the 1996 edition of the federal rules, which contain approved test methods, and add a new incorporation by reference to a test procedure specified in 40 C.F.R. § 132. The definitions are, for the most part, derived from the federal GLI regulations at 40 C.F.R. § 132.2.

The adopted procedures for the implementation of the federal GLI are set forth at 35 Ill. Adm. Code 309.141(h). Section 309.141(h)(1) provides that the Total Maximum Daily Loads (TMDL) or the Waste Load Allocations (WLA) will be set either through the Lake Michigan Lakewide Management Plan or the remedial action plan for an area of concern. This provision is consistent with the federal GLI procedure concerning TMDL and WLA at 40 C.F.R. § 132.

Section 309.141(h)(2) specifies an acceptable additive risk level of one in 100,000 for establishing Tier I criteria and Tier II values for combinations of substances exhibiting carcinogenic or other nonthreshold toxic mechanisms. Section 309.141(h)(3) sets forth the conversion factors to be used in translating between water quality standards, criteria or values for metals expressed in either the dissolved form or as total amount recoverable.

Section 309.141(h)(4) together with 35 Ill. Adm. Code 352.Subpart D provide guidance to the IEPA in choosing which pollutants require water quality based effluent limits and, if required, at what level in NPDES permits. Subsection (h)(4)(A) specifically provides the first step in the process which involves the estimation of projected effluent quality (PEQ) of a parameter in the discharge of a facility, taking into account the chronic or acute exposure periods of the standard, criteria or value. If the PEQ for a parameter is greater than the water quality standard, criteria or value for that parameter, the next step involves the consideration of dilution and mixing in accordance with Section 309.141(h)(5), which allows for such consideration based on the degree of treatment.

Section 309.141(h)(6), the next step in the process, sets forth a simple mass balance formula for calculating a projected effluent limitation (PEL) giving consideration to the water quality standard, relative flowrates of effluent and receiving water, dilution allowance and the background concentration of the parameter. Section 309.141(h)(7) sets forth the conditions under which a water quality based effluent limits or certain monitoring requirements must be included in the NPDES permit based upon a comparison of PEQ and PEL.

Finally, the Board adopted amendments to 35 Ill. Adm. Code 302 to correct typographical errors in docket R97-25 identified by the Joint Committee on Administrative Rules (JCAR). The Board therefore proposed only nonsubstantive typographical amendments to Part 302.

Two hearings were held in this matter: the first, on October 5, 1998, in Chicago; and the second, on December 8, 1998, in Springfield. On December 17, 1998, the Board denied a motion to dismiss this docket filed by the Illinois Environmental Regulatory Group and supported by the Chemical Industry Council of Illinois. On March 4, 1999, the Board adopted the amendments for first-notice publication in the *Illinois Register* (see 22 Ill. Reg. 3563 (March 26, 1999)).

## **Board Dismisses Reserved Identical-In-Substance Rulemaking Dockets, R00-1, R00-2, R00-3, R00-4, and R00-6**

On August 19, 1999, the Board dismissed as unnecessary five reserved identical-in-substance rulemaking dockets: In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-1; In the Matter of: SDWA Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-2; In the Matter of: UIC Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-3; In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-4; and In the Matter of: UST Update, USEPA Regulations (January 1, 1999, through June 30, 1999), R00-6.

In each program, the United States Environmental Protection Agency (USEPA) did not amend its rules during the update period from January 1, 1999 through June 30, 1999. Accordingly, no Board action was required so each reserved docket was dismissed. Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (1998)) requires the Board to adopt regulations which are identical in substance to regulations adopted by the USEPA. The term identical in substance is defined at Section 7.2 of the Act.

## **IPCB LEGISLATION CONTINUED**

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Public Act 91-214, supported by both environmental and business groups, was included as a recommendation by Governor Ryan's Environment and Natural Resources Transition Committee in January 1999, and reflects Pollution Control Board Chairman Claire Manning's commitment to strengthening the Board's technical expertise as the Board's workload becomes ever more complex into the next decade. Because the bill will not become effective until January 1, 2000, the Board will begin taking applications this fall and expects to fill the position by the beginning of the new year. Individuals interested in the position should contact either Anand Rao in the Board's Chicago Office or Karen Newbold in the Board's Springfield Office.

# BOARD ACTIONS

AUGUST 5, 1999

CHICAGO, ILLINOIS

## ADJUSTED STANDARD

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**AS 00-1** In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131 (c) - The Board dismissed petitioner's request for an adjusted standard involving a Cook County facility for failure to cause the required publication under Section 28.1(d)(1) of the Illinois Environmental Protection Act of newspaper notice of the petition's timely filing. **Vote 7-0**

## ADJUDICATORY CASES

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### DECISIONS

**PCB 99-38** Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan - The Board found no violation of the Illinois Environmental Protection Act or the Board's noise regulations in this citizen's noise enforcement case involving a Lake County facility. **Vote 7-0**

**PCB 99-136 and PCB 99-139** Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc., and Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc. - The Board affirmed the decision of the Will County Board granting pollution control facility siting approval to Waste Management of Illinois, Inc., for the proposed Prairie View Landfill facility, to be located on the former Joliet Army Arsenal site. **Vote 6-0 McFawn and Hennessey concurred Girard abstained**

### PROVISIONAL VARIANCES

**PCB 00-18** Commonwealth Edison Company (Dresden Power Station) v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations and in the Board's order, In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134. **Vote 7-0**

**PCB 00-19** Commonwealth Edison Company (LaSalle Generation Station) v. IEPA - Upon receipt of an Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL00048151. **Vote 7-0**

**PCB 00-20** Kincaid Generation, L.L.C. v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Christian County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 303.502 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL0002241. **Vote 7-0**

**PCB 00-21** Central Illinois Public Service Company d/b/a Ameren CIPS, Newton Generating Station v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Jasper County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.141(a) of the Board's water regulations, and in the Board's order, Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. IEPA (June 5, 1997), PCB 97-159. **Vote 7-0**

**PCB 00-22** Norton Performance Plastics Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a nine day provisional variance to this Cook County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote 7-0**

## MOTIONS AND OTHER MATTERS

**PCB 97-157** R. Lavin & Sons, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Lake County facility. **Vote 7-0**

**PCB 98-111** County of Boone and the City of Belvidere v. IEPA - The Board granted petitioners' motion for voluntary dismissal of this permit appeal involving a Boone County facility. **Vote 7-0**

**PCB 99-30** Lucille Wathen v. Robert Stryker and Wendy Stryker - The Board denied respondent's motion to dismiss and ordered that this citizen's noise enforcement action involving a Cook County facility to proceed to hearing. **Vote 7-0**  
**Hennessey concurred**

**PCB 99-71** Carl Brunson and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc. - The Board granted complainants' motion for voluntary dismissal of this citizens' noise enforcement action involving a Jasper County facility. **Vote 7-0**

**PCB 99-173** Z-Frank Oldsmobile, Inc. 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 Cook County facility. **Vote 7-0**

**PCB 99-175** Prairie Central Co-Op 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 Livingston County facility. **Vote 7-0**

**PCB 99-176** C&J Auto Parts, Inc. 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 Cook County facility. **Vote 7-0**

**PCB 99-190** Humane Manufacturing, L.L.C. v. IEPA - The Board denied petitioner's motion for stay. **Vote 7-0**

**PCB 00-7** Glen Ellyn Storage 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 DuPage County facility. **Vote 7-0**

**PCB 00-10** Lampkin Leather 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 00-11** 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 00-12** Tenneco Packaging Service and Consumer Products, 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 00-14** Sequa Corporation, Precoat Metals Division v. IEPA - The Board accepted for hearing this permit appeal involving a Cook County facility. **Vote 7-0**

**PCB 00-16** Horace Dodge, 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 Kane County facility. **Vote 7-0**

**PCB 00-17** Lonza, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Peoria County facility. **Vote 7-0**

## AUGUST 19, 1999 CHICAGO, ILLINOIS

### RULEMAKINGS

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**R99-8** In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - The Board adopted a final opinion and order in this rulemaking to amend the Board's water regulations. **Vote 7-0**

**R00-1** In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 1999 through June 30, 1999) - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period of January 1, 1999 through June 30, 1999. **Vote 7-0**

**R00-2** In the Matter of: SDWA Update, USEPA Regulations (January 1, 1999 through June 30, 1999) - The Board dismissed this reserved identical-in-substance docket because the two United States Environmental Protection Agency amendments to its safe drinking water regulations during the update period of January 1, 1999 through June 30, 1999, did not require Board action. **Vote 7-0**

**R00-3** In the Matter of: UIC Update, USEPA Regulations (January 1, 1999 through June 30, 1999) - 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 January 1, 1999 through June 30, 1999. **Vote 7-0**

**R00-4** In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1999 through June 30, 1999) - The Board dismissed this reserved identical-in-substance docket because the one United States Environmental Protection Agency amendment to its non-hazardous waste regulations during the update period of January 1, 1999 through June 30, 1999, did not require Board action. **Vote 7-0**

**R00-6** In the Matter of UST Update, USEPA Regulations (January 1, 1999 through June 30, 1999) - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 1999 through June 30, 1999. **Vote 7-0**

## ADMINISTRATIVE CITATION

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**AC 98-4** County of Sangamon v. ESG Watts, Inc. - The Board entered an order requiring respondent to pay \$197.50 in hearing costs and pay a civil penalty of \$1,000. This order follows the Board's interim order of June 17, 1999 which found that this respondent had violated Sections 21(o)(6) and (o)(9) of the Environmental Protection Act (415 ILCS 5/21(o)(6), (o)(9) (1998)) at respondent's Sangamon County facility. **Vote 7-0**

## ADJUDICATORY CASES

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### DECISIONS

**PCB 95-64** People of the State of Illinois v. Donald Pointer, Mitchell Holder, and Whiteway Sanitation, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this land enforcement action involving a Jersey County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. **Vote 7-0**

**PCB 98-122** People of the State of Illinois v. Stanley Latik - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this water enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$4,000, and to cease and desist from further violations. **Vote 7-0**

### PROVISIONAL VARIANCES

**PCB 00-29** Village of Libertyville v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120, and imposed by National Pollutant Discharge Elimination System Permit No. IL0029530. **Vote 7-0**

**PCB 00-30** City of Knoxville v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Knox County facility a 45-day provisional variance, subject to conditions, from the excess flow limits in 35 Ill. Adm. Code 304.141 and National Pollutant Discharge Elimination System Permit No. IL0022209. **Vote 7-**



## MOTIONS AND OTHER MATTERS

**PCB 95-173** Chicago-Dubuque Foundry Corporation v. City of East Dubuque - The Board granted complainant's motion for voluntary dismissal of this citizen's underground storage tank enforcement action involving a Jo Daviess County facility. **Vote 7-0**

**PCB 96-28** Freightliner of Chicago, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility. **Vote 7-0**

**PCB 96-180** Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc. - The Board granted the parties' motion to extend stay of proceedings. **Vote 7-0**

**PCB 97-50** Lionel Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois - The Board affirmed the hearing officer's July 1, 1999 denial of the motion of complainants' Trepanier and Wager for additional time to file initial posthearing briefs. The Board allowed Trepanier and Wager 14 days in which to file briefs in reply to respondents' joint posthearing brief, filed on July 19, 1999. **Vote 7-0**

**PCB 97-53** People of the State of Illinois v. GBF Graphics, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote 7-0**

**PCB 97-103** People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc. - The Board found that the cross-complaint was not duplicitous. The Board found that most of the cross-complaint was not frivolous, but struck the following as frivolous: Sections 12(f) and 57.12(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 57.12(a) (1998)) claims, as well as respondents'/cross-complainants Abrahams' request for litigation costs, including expert witness fees and attorney fees. The Board denied the complainants / cross-respondents' Anests' motion to dismiss the Abrahams' claims under Sections 21(a) and 21(d)(2) of the Act (415 ILCS 5/21(a), 21(d) (1998)), and denied as moot the Anests' motion to dismiss the Abrahams' Section 57.12(a) claim. The Board denied the Anests' motion to dismiss the cross-complaint on the grounds of res judicata. **Vote 6-1 Flemal dissented Kezelis and Melas concurred**

**PCB 98-2** ESG Watts, Inc. v. Sangamon County Board - The Board denied petitioner's motion to reconsider the Board June 17, 1999 order. **Vote 7-0**

**PCB 98-73** Village of Glendale Heights v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility. **Vote 7-0**

**PCB 99-183** Blake Oil Company v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Ogle County facility. **Vote 7-0**

**PCB 99-184** National Fiber Glass Products v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Will County facility. **Vote 7-0**

**PCB 99-194** People of the State of Illinois v. Alabama Metal Industries Corporation - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote 7-0**

**PCB 00-23** National Castings, 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 00-26** Chester Sewage Treatment Plant (Permit No. 1999-AA-3593) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Randolph County facility. **Vote 7-0**

**PCB 00-27** Chester Sewage Treatment Plant (Permit No. IL0072931) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Randolph County facility. **Vote 7-0**

**PCB 00-28** Beelman Truck 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 Madison County facility. **Vote 7-0**

# NEW CASES

AUGUST 5, 1999

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**00-7 Glen Ellyn Storage 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 DuPage County facility.

**00-9 People of the State of Illinois v. Brake's Enterprises, Inc.** - The Board accepted for hearing this underground storage tank enforcement action against a Champaign County facility.

**00-10 Lampkin Leather 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.

**00-11 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.

**00-12 Tenneco Packaging Service and Consumer Products, 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.

**00-13 People of the State of Illinois v. Rieck's Enterprises, Inc., Daniel Rieck, individually, and as President of Rieck Enterprises, Inc.** - The Board accepted for hearing this land enforcement action against a Cook County facility.

**00-14 Sequa Corporation, Precoat Metals Division v. IEPA** - The Board accepted for hearing this permit appeal involving a Cook County facility.

**00-15 Village of Princeville, Illinois v. IEPA** - The Board held for the Illinois Environmental Protection Agency recommendation this petition for a public water supply variance involving a Peoria County facility.

**00-16 Horace Dodge, 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 Kane County facility.

**00-17 Lonza, Inc. v. IEPA** - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Peoria County facility.

**00-18 Commonwealth Edison Company (Dresden Power Station) v. IEPA** - Upon receipt of an Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations and in the Board's order, In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134.

**00-19 Commonwealth Edison Company (LaSalle Generation Station) v. IEPA** - Upon receipt of an Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL00048151.

**00-20 Kincaid Generation, L.L.C. v. IEPA** - Upon receipt of an Agency recommendation, the Board granted this Christian County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 303.502 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL0002241.

**00-21 Central Illinois Public Service Company d/b/a Ameren CIPS, Newton Generating Station v. IEPA** - Upon receipt of an Agency recommendation, the Board granted this Jasper County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.141(a) of the Board's water regulations, and in the Board's order, Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. Illinois Environmental Protection Agency (June 5, 1997), PCB 97-159.

**00-22 Norton Performance Plastics Corporation v. IEPA** - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a nine day provisional variance to this Cook County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

**AC 00-2 IEPA v. Hendricks Home Furnishings, Inc.** - The Board accepted an administrative citation against this Macoupin County respondent.

**AC 00-3 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AC 00-4 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AC 00-5 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AS 00-1 In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131 (c)** - The Board dismissed petitioner's request for an adjusted standard involving a Cook County facility for failure to cause the required newspaper publication under Section 28.1(d)(1) of the Illinois Environmental Protection Act giving notice of the petition's timely filing.

**AC 00-6 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AC 00-7 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AC 00-8 County of Sangamon v. ESG Watts, Inc.** - The Board accepted an administrative citation against this Sangamon County respondent.

**AC 00-9 County of Will v. Steven F. Schmidt** - The Board accepted an administrative citation against this Will County respondent.

## **NEW CASES**

### **AUGUST 19, 1999**

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**00-23 National Castings, 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.

**00-24 The Ensign-Bickford Company v. IEPA** - No action taken.

**00-25 KRKH, Inc. v. IEPA** - No action taken.

**00-26 Chester Sewage Treatment Plant (Permit No. 1999-AA-3593) v. IEPA** - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Randolph County facility.

**00-27 Chester Sewage Treatment Plant (Permit No. IL0072931) v. IEPA** - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Randolph County facility.

**00-28 Beelman Truck 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 Madison County facility.

**00-29 Village of Libertyville v. IEPA** - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120, and imposed by National Pollutant Discharge Elimination System Permit No. IL0029530.

**00-30 City of Knoxville v. IEPA** - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Knox County facility a 45-day provisional variance, subject to conditions, from the excess flow limits in 35 Ill. Adm. Code 304.141 and National Pollutant Discharge Elimination System Permit No. IL0022209.

**AS 00-2 In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)** - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Cook County facility and held it pending receipt of certificate of publication.

**AS 00-3 In the Matter of: Petition of The Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103** - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Union County facility and held it pending receipt of certificate of publication.

# CALENDAR OF MEETINGS AND HEARINGS

## September

**21** √ **9:30 am** - PCB 99-191  
People of the State of Illinois v.  
Panhandle Eastern Pipe Line Company  
Chicago, IL

**22** √ **9:30 am** - PCB 99-191  
People of the State of Illinois v.  
Panhandle Eastern Pipe Line Company  
Chicago, IL

**23** √ **9:30 am** - PCB 99-191  
People of the State of Illinois v.  
Panhandle Eastern Pipe Line Company  
Chicago, IL

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

## October

**5** √ **9:30 am** - PCB 97-234  
Antonio D.H. Nam v. Kikon Suh  
Chicago, IL

**6** √ **9:30 am** - PCB 97-234  
Antonio D.H. Nam v. Kikon Suh  
Chicago, IL

**7** √ **10:30 am**  
**Pollution Control Board Meeting**  
**James R. Thompson Center**  
**100 W. Randolph Street**  
**Suite 2-025**  
**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.

**19** √ **9:30 am** - PCB 97-121  
Matteson WHP Partnership v. James  
W. Martin and Eva D. Martin  
Chicago, IL

**20** √ **9:30 am** - PCB 97-121  
Matteson WHP Partnership v. James  
W. Martin and Eva D. Martin  
Chicago, IL

**21** √ **9:30 am** - PCB 97-121  
Matteson WHP Partnership v. James  
W. Martin and Eva D. Martin  
Chicago, IL

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

## November

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

**8** √ **9:30 am** - PCB 99-82  
Michael R. Pawlowski and Diane K.  
Pawlowski v. David Johansen and Troy  
Quinley, individually and d/b/a  
Benchwarmers Pub, Inc.

Fire Station Community Room  
320 West Locust Street  
Fairbury, IL

**9** √ **9:30 am** - PCB 99-82  
Michael R. Pawlowski and Diane K.  
Pawlowski v. David Johansen and Troy  
Quinley, individually and d/b/a  
Benchwarmers Pub, Inc.

Fire Station Community Room  
320 West Locust Street  
Fairbury, IL

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

## December

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

**8** √ **9:30 am** - PCB 93-191  
People of the State of Illinois v. Lloyd  
Wiemann d/b/a Wiemann Ice & Fuel; Lloyd  
Wiemann, d/b/a Wiemann Ice & Fuel, Cross-  
Complainants v. Texaco Refining & Market-  
ing, Inc., and Eugene & Cheryl Halbrooks,  
Cross-respondents

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

**9** √ **9:30 am** - PCB 93-191  
People of the State of Illinois v. Lloyd  
Wiemann d/b/a Wiemann Ice & Fuel; Lloyd  
Wiemann, d/b/a Wiemann Ice & Fuel, Cross-  
Complainants v. Texaco Refining & Market-  
ing, Inc., and Eugene & Cheryl Halbrooks,  
Cross-respondents

Illinois Pollution Control Board  
Hearing Room 403  
600 S. Second Street  
Springfield, IL

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

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.

## George H. Ryan, Governor

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman  
Springfield

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

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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WEB SITE:  
<http://www.ipcb.state.il.us/>