
Environmental Register

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Thomas E. Johnson, Chairman

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Letter from the Chairman

The Board has faced many changes during my tenure as Chairman. Regrettably, the most recent of these changes is the death of long-time Board Member and supporter Samuel T. Lawton.



**Former Board Member
Samuel T. Lawton**

Mr. Lawton was an original member of the Board, serving from 1970 to 1973, and was Chairman from 1972 to 1973. He also served on the Board from 2000 to 2002. For over a year I was lucky enough to serve with Mr. Lawton, someone I consider to be one of Illinois' leading environmental lawyers. During that time, I was always impressed with the enthusiasm and dedication he brought to the job, as well as his innate intelligence, good humor and charm.

Mr. Lawton had a long and distinguished legal career. He earned an AB from Dartmouth College and a JD from Harvard Law School. Prior to graduating from Harvard, Mr. Lawton enlisted in the Army. He served our country in World War II participating in several combat operations in the Pacific theater, eventually becoming a field artillery battalion commander, while earning two combat medals including a bronze star. Upon completion of his military service, he finished his law degree and started private practice. In 1960, he became a partner in Altheimer, Gray, Naiburg, Strasburger & Lawton, where he pursued environmental law.

Throughout his career, Mr. Lawton showed a strong desire to serve the public. He was an Arbitrator with the American Arbitration Association's National Commercial and Labor Panels, a Chairman of the Chicago Bar Association's Committee on Local Government, a member of the Illinois Bar Association's Environmental Law Council, and the Mayor of Highland Park. He was a special Assistant Attorney General for the State of Illinois representing the Departments of Transportation and Conservation, and was associated with John Marshall Law School from 1955 until the time of his death.

Mr. Lawton will be missed. He has been both a valuable member and friend of the Board for over thirty years. The Board recognizes his contributions both as Chairman and Board Member during this time. Mr. Lawton will long be remembered as a pioneer of environmental law in Illinois. We are indebted to him, and will honor his memory in the most appropriate way we can – by continuing to timely and faithfully serve the citizens of the State of Illinois. Were Mr. Lawton here today, I am sure he would approve.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Johnson". The signature is stylized with a large, looped initial "T" and a long horizontal stroke extending to the right.

Thomas E. Johnson, Chairman

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Federal Update

United States Environmental Protection Agency Adopts Direct Final Regulations Amending the Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills for the Disposal of Residential Lead-Based Paint Waste Under the Resource Conservation and Recovery Act

On June 18, 2003 (68 Fed Reg 36487), the United States Environmental Protection Agency adopted direct final regulations to allow construction and demolition landfills to accept residential lead-based waste without changing the status of the construction and demolition landfill under Subtitle D of the Resource Conservation and Recovery Act. USEPA stated that its action would help accelerate the pace of lead-based paint removal from residences, and thereby reduce exposure to children and adults from the health risks associated with lead.

In this rulemaking, USEPA changed its definition of “municipal solid waste landfill unit” in both the Criteria for Classification of Solid Waste Disposal Facilities and Practices and the Criteria for Municipal Solid Waste Landfills. In addition, USEPA promulgated two new definitions for “construction and demolition (C&D) landfill” and “residential lead-based paint waste.” This final rule will expressly allow residential lead-based paint waste that is exempted from the hazardous waste management requirements (as household waste) to be disposed of in construction and demolition landfills; the rule states that a construction and demolition landfill accepting residential lead-based paint waste, and no other household waste, is not a municipal solid waste landfill unit. This action would not prevent a municipal solid waste landfill unit from continuing to receive residential lead-based paint waste.

The final rule was effective on June 18, 2003.

For general 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 Paul Cassidy, Municipal and Industrial Solid Waste Division, Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency (EPA, HQ), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; (703) 308-7281, e-mail at cassidy.paul@epa.gov.

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

United States Department of Justice Publishes Notice of Proposed Consent Decree Under the Clean Water Act

On June 19, 2003 (68 Fed. Reg. 36839), the United States Department Of Justice published a notice that, under 28 CFR 50.7, a proposed Consent Decree was lodged with the United States District Court for the Central District of Illinois in United States v. City of Rock Island, Illinois et al., Civil Action No. 00 C 4076.

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The complaint in this action asserts claims against the City of Rock Island (City) for injunctive relief and civil penalties for violations of the Clean Water Act, 33 U.S.C. 1251 et seq., and of the City's National Pollutant Discharge Elimination System Permit (NPDES) as a result of discharges of pollutants into surface waters from the City's publicly owned treatment works (POTW). The State of Illinois was also named as a defendant, pursuant to Section 309(e) of the Act, 33 USC 1319(e).

The proposed Consent Decree requires the City to comply with effluent limitations and all other requirements of the City's NPDES permit. In addition, the Consent Decree requires the City to develop and implement a Long Term Control Plan for insuring that combined sewer overflows (CSO's) from the POTW comply with the requirements of Rock Island's NPDES permit, the Clean Water Act, and the objectives of USEPA's April 19, 1994 CSO Policy. Pursuant to the Long Term Control Plan, the City must complete specified studies and assessments; evaluate alternatives for eliminating, treating or reducing CSO discharges; and implement discharge control measures approved by the United States Environmental Protection Agency. Under the proposed Consent Decree the City must also pay a civil penalty of \$64,800 and expend at least \$60,550 to implement a Supplement Environmental Project (SEP) that will mitigate adverse effects of stormwater run-off on surface water bodies, and improve habitat conditions in the area where the SEP is performed.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days after the date of publication, until July 19, 2003. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. City of Rock Island, et al.*, D.J. Ref. 90-5-1-1-06489. The proposed Consent Decree may be examined at the Office of the United States Attorney, Star Cres Building, Third Floor, 11830 Second Avenue, Rock Island, Illinois 61201, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice web site: www.usdoj.gov/enrd/open.html.

Appellate Update

Fourth District Affirms Board In *Lesslie Yokum et al. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board*, No. 4-02-0749 (June 2, 2003) (PCB 01-29 and PCB 01-30 (cons.))

In its June 20, 2003 17-page unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), in *Lesslie Yokum et al. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board*, No. 4-02-0749, the Appellate Court for the Fourth District affirmed the Board's August 8, 2002 decision in two consolidated administrative citations (AC). Over one dissent, the court majority affirmed the Board's interpretations of the prohibitions for open dumping resulting in litter and the deposition of construction or demolition debris of Sections 21(p)(1) and (p)(7) Environmental Protection Act (Act). *See* 415 ILCS 5/21 (p) (1, 7) (2002). More specifically, the court agreed with the Board's ruling concerning the meaning under the Act of the terms "waste", "open dumping", "storage", and "disposal."

The Board's Decision. In March 2001, the Illinois Environmental Protection Agency (IEPA) filed two ACs with the Board under Section 31.1 of the Act. *See* 415 ILCS 5/31.1 (2002). The ACs in consolidated dockets AC 01-29 and AC 01-30 concern two parcels of land owned by the Yokums near the unincorporated town of Birmingham in Schuyler County. Strewn about the sites were over 100 vehicles (many with no tires or flat tires), metal objects, pipes, tanks, and weathered dimensional lumber, among other things. The record demonstrated that the materials had been there a long time and were not stored in a manner to maintain them.

In its June 6, 2002 interim opinion and order, over the dissent of two Members, the Board found the Yokums violated the Act as the IEPA alleged. The Board found that the piled debris on both Yokum properties, as demonstrated in the record and the IEPA inspector's photographs, was "unsightly and . . . disposed of improperly". (6/6/02 slip op. at 7). Despite the Yokums' arguments that the items on the property were intended for reuse, the Board held that the items were "discarded," and thus "waste" under the Act.

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In so finding, the Board quoted with approval the IEPA's argument that it does not condone a person's open dumping of materials with the "anticipation of some future use at some undefined time." The Board further stated that whether the items had been purchased or were intended to be re-used at some point in the distant future, as the Yocums claimed, was not controlling; "plans for use of material at some point in the distant future are not dispositive in determining if materials are waste or litter." (6/6/02 slip op. at 8).

The Board's August 8, 2002 final order incorporated by reference the June 6, 2002 interim opinion and order. Again over the dissent of two members, the Board assessed hearing costs, and imposed a \$6,000 penalty (calculated as four violations (two violations at each of two sites) times the statutory penalty of \$1,500 per violation). See 415 ILCS 5/31.1(d) and 42 (b)(4-5)(2002). The Board found that open dumping occurred because the Yocums had consolidated refuse and construction debris at each site, none of which was a permitted sanitary landfill.

Court Decision. The court applied the "clearly erroneous" standard in reviewing the Board's decision, in which the reviewing court reverses only where it is "left with the definite and firm conviction that a mistake has been committed, citing AFM Messenger Service, Inc. v. Department of Employment Security, 198 Ill. 2d 380, 395, 763 N.E.2d 272, 282 (2001). See also City of Belvidere v. Illinois State Labor Relations Board, 181 Ill. 2d 191, 692 N.E. 2d 295 (1998) and despite Section 41(a)'s call to apply the more deferential "manifest weight" standard. The court relied primarily on federal case law cited by the Board to determine when material becomes "waste." The court held that the material on the Yocum sites was "discarded waste as the original owners had no use for it and it had not yet been reused; nor was it part of an ongoing recycling process" (slip op. at pp. 10-14). The court found that the Yocums were "disposing" (not "storing") the material because the material was not "contained" (slip op. at pp. 14-16). The court also noted that Title V of the Act was designed to prevent not only pollution but "scenic blight" and held that the materials need not degrade and enter the land, water, or air to affect the environment. The court concluded, nearly quoting the Board;

Thus, the environment is affected by the scenic blight caused by the Yocums accumulating numerous items on their property which have remained there in an unused and haphazard state. While the Act encourages reuse and recycling of materials, it does not condone open dumping of waste with vague intentions to use items at some undefined time in the future. It is the Yocums' lack of immediate reuse or sound management and proper storage of waste that violates the Act. (slip op. at pp. 17).

Dissent. The dissenting justice echoed some of the points made by the dissenting Board Members. After describing the evidence, the dissenting justice disagreed with the majority's reading of the terms "waste" and "discarded", stating:

At bottom, this case, and so many others like it, is cultural. There are people in nearly every community who consider other people's trash to be a reusable or saleable treasure. The process of accumulating such 'treasures' creates scenic blight under the best of circumstances and a potential environmental hazard under most circumstances. As a matter of public policy, it may be a better course to recognize this marginal economy as something that will never go away and proscribe by statute or regulation a method of storage that would safeguard the environment and provide a cost-effective remedy for scenic blight. (slip op. at 18).

Rule Update

Board Adopts Final Opinion and Order in Petition of Central Illinois Light Company (E. D. Edwards Generating Station) for a Site Specific Air Regulation: 35 Ill. Adm. Code 214.561 (R02-21)

On June 5, 2003, the Board adopted a final opinion and order in Petition of Central Illinois Light Company (E. D. Edwards Generating Station) for a Site Specific Air Regulation: 35 Ill. Adm. Code 214.561 (R02-21). The Board

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did not make any substantive changes to the first notice proposal, adopted on January 23, 2003 and published in the *Illinois Register* at 27 Ill. Reg. 2578 (February 14, 2003). This rulemaking will be filed with the Secretary of State's office.

The site-specific proposal affects the Central Illinois Light Company (CILCO) E.D. Edwards Generating Station (facility) located near Peoria in Peoria County. The facility consists of three coal-fired boilers. CILCO previously received a variance from 35 Ill. Adm. Code 214.141. See Central Illinois Light Company v. IEPA, PCB 99-80 (Apr. 15, 1999). The variance is effective through July 31, 2003. Boilers 1 and 3 are subject to a sulfur dioxide emission limit under a site-specific rule at 35 Ill. Adm. Code 214.561. Boiler 2 is subject to the sulfur dioxide emissions limit under 35 Ill. Adm. Code 214.141.

The adopted amendments at 35 Ill. Adm. Code 214.561 apply to the operation of Boiler 2. The standards require that: average sulfur dioxide emissions from Boiler Nos. 1, 2, and 3, as a group may not exceed 4.71 pounds per million British thermal units (lb/mmBtu) of actual heat input; the average sulfur dioxide emissions from any one boiler may not exceed 6.6 lb/mmBtu of actual heat input; and sulfur dioxide emissions for all three boilers, as a group, may not exceed 34,613 pounds per hour, on a 24-hour average basis. These provisions have been reviewed and approved by the United States Environmental Protection Agency, and incorporated into the approved Illinois State Implementation Plan, pursuant to the Clean Air Act. See 42.U.S.C. Section 7401, *et seq.*

A hearing in this rulemaking was held on October 11, 2002 in Peoria, Illinois.

Copies of the Board's opinion and order 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.

For more information contact John Knittle at (217) 278-3111 or email at knittlej@ipcb.state.il.us.

Board Adopts Second Notice in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08)

On June 5, 2003, the Board adopted a second notice opinion and order in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08). The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2002)), to the Joint Committee on Administrative Rules (JCAR). The proposed amendments will be considered at the July 8, 2003 JCAR meeting. The Board did not make any substantive changes to the rules it proposed at first notice (published in the *Illinois Register* at 27 Ill. Reg. 1889 and 1909 (February 7, 2003)).

The noise rules involved are 35 Ill. Adm. Code Parts 900 and 903. These are general provisions dealing with the definitions of acoustical terminology, prohibition against noise pollution, and sound measurement procedures. The proposed changes to Part 900 involve the updating of definitions and sound measurement procedures. These definitions and measurement procedures were adopted in 1973 and have not been amended or changed since then. The basis for these changes is the American National Standards Institute updates from the years 1998-2001.

The Board is also proposing to repeal Part 903, which specifies rules and regulations for the control of noise from motor racing facilities, in response to legislative changes since the Part was adopted.

The Board has held two hearings in this rulemaking in Chicago on November 7, 2002 and in Springfield on November 21, 2002. A third hearing was held on May 15, 2003 in Chicago to address the Department of Commerce and Economic Opportunity's, formerly known as the Department of Commerce and Community Affairs, decision not to perform an economic impact study on the Board's proposal.

This rulemaking should be read in conjunction with the companion implementing rules proposed in Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards: Amendments to 35 Ill. Adm. Code 901 and 910, R03-09, (February 20, 2003). See February 3, 2003 *Environmental Register* at p. 5. Hearings in this proceeding were held on May 1, 2003 in Springfield and May 15, 2003 in Chicago.

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Copies of the Board's opinion and order in R03-8 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.

For additional information contact William Murphy at 312/814-6062; e-mail address murphyw@ipcb.state.il.us.

Board Adopts Final Amendments in RCRA Subtitle C Update, USEPA Amendments (July, 2002 through December 31 2002) (R03-18)

On June 5, 2003, the Board adopted a final opinion and order in RCRA Subtitle C Update, USEPA Amendments (July, 2002 through December 31 2002) (R03-18). The Board adopted amendments to its hazardous waste regulations that are "identical-in-substance" to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2002)).

The Board's proposed amendments to 35 Ill. Adm. Code 703, 720, 721, 726, and 728 were published in the *Illinois Register* on April 18, 2003. No substantive amendments from the rules as proposed were made in the Board's adopting opinion and order. The Board will file the adopted amendments with the Secretary of State's Index Department at the conclusion of a thirty-day USEPA review period.

This rulemaking is based on federal amendments made by the USEPA during the period of July 1, 2002 through December 31, 2002. The specific federal actions involved were published in the *Federal Register* on July 24, 2002 (67 Fed. Reg. 48393), October 7, 2002 (67 Fed. Reg. 62618), October 23, 2002 (67 Fed. Reg. 65220), October 29, 2002 (67 Fed. Reg. 65876), and December 19, 2002 (67 Fed. Reg. 77687).

The USEPA action of July 24, 2002 related to recycling hazardous secondary materials. The covered materials are those used to make zinc fertilizer products. The amendments excluded the secondary materials from the definition of solid waste and exclude the fertilizers made from these secondary materials from the definition of solid waste, so long as certain contaminants in the fertilizer remain within specified limits. Exclusion from the definition of solid waste excludes the secondary materials from hazardous waste regulation. USEPA intended the rule to allow the use of zinc-rich dusts from brass foundries and fabricators as substitutes for other feedstocks. The federal amendments further removed the former exemption from 40 CFR 268.40(i) of the federal land disposal restrictions. USEPA had adopted this as a temporary measure on August 31, 1998 (63 Fed. Reg. 46331) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers until USEPA developed the more comprehensive set of regulations for the use of hazardous waste in making fertilizers.

The USEPA action of October 7, 2002 related to land disposal of radioactively contaminated batteries. On a petition from the federal Department of Energy, USEPA granted a national treatability variance for the contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatments for the batteries. USEPA designated macroencapsulation in accordance with the rules applicable to hazardous debris as treatment prior to land disposal of the three types of radioactively contaminated batteries.

The USEPA actions of October 23, 2002 and October 29, 2002 (67 Fed. Reg. 65876) related to the Clean Water Act methods for analysis of contaminants in water and waste. Additionally, the action of October 23, 2002 also related to methods for analysis of contaminants in drinking water under the Safe Drinking Water Act. This action was a general update of the various methods for analysis of chemical, microbiological, and radiological contaminants in water.

The USEPA action of December 19, 2002 made various technical corrections to the hazardous waste combustor rules.

Finally, the Board moved forward with the incorporation by reference of an updated federal guidance for delisting of hazardous waste. The Board proposed to replace the reference to a document issued in 1993 with reference to a document issued in 2000, in response to a public inquiry. The Illinois Environmental Protection Agency (Agency) commented that the update was necessary. The Agency views the use of the federal

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guidance as mandatory, so the incorporation of the updated guidance document by reference is mandatory.

The Board amended the Illinois regulations at 35 Ill. Adm. Code 702.122(a)(2), (c)(2), (e)(2), and the Board note to subsection (l) to require the use of the March, 2000 USEPA Region 6 guidance document “EPA RCRA Delisting Program--Guidance Manual for the Petitioner.” The Board additionally requested that the Agency, USEPA, or the regulated community bring the release of any updated guidance to the attention of the Board as soon as USEPA releases it.

Sections 7.2 and 22.4(a) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (2002)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2002)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

Copies of the Board’s opinion and order in R03-18 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.

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Adopts Proposal for Public Comment in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002) (R03-13)

On June 19, 2003 the Board adopted a proposal for public comment in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002) (R03-13). The Board proposes to amend the Board’s wastewater pretreatment regulations that are “identical-in-substance” to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA). These are rules adopted by the USEPA pursuant to sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (1994)).

The Board regulations involved in this proceeding are 35 Ill. Adm. Code 307 and 310. This rulemaking is based on federal amendments made by the USEPA during the period of July 1, 2002 through December 31, 2002. The specific federal actions involved were published in the *Federal Register* on September 19, 2002 (67 Fed. Reg. 58990), October 17, 2002 (67 Fed. Reg. 64216), October 23, 2002 (67 Fed. Reg. 65220), October 29, 2002 (67 Fed. Reg. 65876), and November 19, 2002 (67 Fed. Reg. 69952).

The proposal for public comment will be published in the *Illinois Register* on July 7, 2003 and the Board will accept comments on the proposal for a period of 45 days after the publication, through August 21, 2003.

The USEPA action of September 19, 2002 related to discharges from sources in the Pulp, Paper, and Paperboard Point Source Category. USEPA amended the effluent limitations guidelines and standards applicable to sources in the Bleached Papergrade Kraft and Soda Subcategory. They allow mills in this subcategory to demonstrate compliance with applicable chloroform limitations and standards at a fiber line in lieu of monitoring. The amendments allow the mills to forego monitoring if they fulfill certain requirements: (1) they must perform initial monitoring to demonstrate compliance, (2) they must certify that the pertinent line is not using chlorine or hypochlorite as a bleaching agent, and (3) they must maintain process and operating conditions as during the compliance demonstration period. Included were amendments to wastewater pretreatment standards, and the present amendments incorporate those segments into the Illinois regulations.

The Board proposed to incorporate the September 19, 2002 federal amendments without substantive deviation from the corresponding federal text. The federal amendments affected the monitoring provisions of 40 C.F.R. 430.02, which USEPA adopted April 15, 1998 (63 Fed. Reg. 18639). The Board adopted the federal April 15, 1998 amendments in Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998),

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R99-4 (March 18, 1999), but neglected to include the monitoring requirements of 40 CFR 430.02. The present amendments correct that oversight.

The USEPA action of October 17, 2002 related to the effluent limitations guidelines and standards applicable to the Iron and Steel Manufacturing Point Source Category. USEPA amended the standards applicable to wastewater discharges from metallurgical cokemaking, sintering, and ironmaking operations. USEPA included new standards for direct reduced ironmaking, briquetting, and forging operations. USEPA also provided an allowance for existing basic oxygen furnaces operating semi-wet air pollution control systems and established technology-based limitations for electric arc furnaces operating semi-wet pollution control systems. The amendments further deleted references in the rules to beehive cokemaking, ferromanganese blast furnaces, and open-hearth furnaces, which are obsolete.

The Board has proposed to incorporate by reference the October 17, 2002 federal rules covering the Iron and Steel Manufacturing Point Source Category. The structure of the Illinois wastewater pretreatment regulations is such that the primary means of incorporating federal requirements is by use of incorporation of the federal rules by reference. Generally, the Illinois regulations set forth the text of shorter general provisions, like applicability statements, and incorporate by reference the more lengthy federal substantive requirements, such as these.

The USEPA actions of October 23, 2002, October 29, 2002, and November 19, 2002 updated the Clean Water Act methods for analysis of contaminants in water and waste in 40 C.F.R. 136. The Board has proposed to include all of these updates in the incorporations by reference in 35 Ill. Adm. Code 310.107. The October 23, 2002 action was a general update of the various methods for analysis of chemical, microbiological, and radiological contaminants in water; it also amended methods for analysis of contaminants in drinking water under the Safe Drinking Water Act. The action of October 29, 2002 updated a single analytical method, USEPA Method 1631E, for analysis of mercury in aqueous samples by cold vapor atomic fluorescence spectrometry. The action of November 19, 2002 related to whole effluent toxicity (WET) testing.

Copies of the Board's opinion and order in R03-13 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.

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Adopts First Notice Opinion and Order in Radionuclide Restricted Status, Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115 (R03-21)

On June 19, 2003, the Board adopted a first notice opinion and order to amend the Board's public water supply (PWS) regulations at 35 Ill. Adm. Code 602, based on a proposal filed on April 7, 2003 by the Illinois Environmental Protection Agency (IEPA). The proposal would allow the IEPA to continue issuing permits to PWS that do not meet the federal radionuclide standard for drinking water, but only if the PWS is bound by order or agreement to a compliance schedule for meeting the federal standard. The current exemption in Part 602 that allows such permit issuance "sunset" December 8, 2003, which is the compliance deadline of the new federal radionuclide standard (adopted at 65 Fed. Reg. 76707, December 7, 2000). This proposal would not exempt PWS from the final radionuclide standard, but would continue the existing State exemption that keeps certain PWS from being placed on "restricted status" (*i.e.*, an Illinois-only list of PWS banned from receiving construction permits).

The proposal for public comment will be published in the *Illinois Register* on July 7, 2003 and the Board will accept comments on the proposal for a period of 45 days after the publication, through August 21, 2003.

Section 17.6 of the Illinois Environmental Protection Act (Act) provides that the Illinois radiological quality standards must be the same as the federal standards adopted by the United States Environmental Protection Agency (USEPA) (415 ILCS 5/17.6 (2002)). That standard, as codified in the Board's rules, is 5 pico curies per liter (pCi/l) for combined radium-226 and radium-228 and 15 pCi/l for gross alpha particle activity. 35 Ill. Adm. Code 611.330. Compliance is required effective December 8, 2003.

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The IEPA anticipates that approximately 50 to 60 PWS may fail to meet the December 8, 2003 deadline and be subject to the pre-enforcement processes of Section 31 of the Act. However, the IEPA maintains that those PWS meeting compliance dates of Compliance Commitment Agreements (CCAs) or court orders should be able to avoid restricted status without having to individually petition the Board for variance relief, expending PWS, Board, and IEPA resources. Accordingly, the IEPA has requested that the Board adopt final regulations in this rulemaking by the December 8, 2003 deadline.

Additionally, the proposal contains language that would require each person signing a construction permit application for a PWS to certify that the information in the application is complete and accurate and that the text has not been altered from the IEPA's permit application form or template.

The Board held hearings in this rulemaking in Springfield on May 8, 2003 and in Chicago on May 15, 2003.

Copies of the Board's opinion and order in R03-21 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.

For more information contact Richard McGill at (312) 814-6983 or email at mcgillr@ipcb.state.il.us.

Board Actions

June 5, 2003

Via Videoconference

Chicago and Springfield, Illinois

Rulemakings

R02-21	<u>In the Matter of: Petition of Central Illinois Lights Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561</u> – The Board adopted a final opinion and order in this matter to amend the Board's air pollution control regulations.	5-0 Tristano abstained R, Air
R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – The Board adopted a proposed second notice opinion and order in this matter to amend the Board's noise pollution control regulations.	6-0 R, Noise
R03-18	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board adopted a final opinion and order "identical-in-substance" rulemaking to amend the Board's hazardous waste regulations.	6-0 R, Land

Adjusted Standards

AS 00-5	<u>In the Matter of: Petition of The Ensign Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103</u> – The Board entered a supplemental opinion and order amending its March 20, 2003 opinion and order. The Board granted petitioner's motion for substitution and named Dyno Nobel Inc. as the holder of the adjusted standard. The Board granted the adjusted standard from 35 Ill. Adm. Code 237.102, subject to conditions.	6-0 Air
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AS 03-2 In the Matter of: Petition of Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812 and 817, and Modification of AS 95-4 (Sludge Application) – The Board agreed with petitioner that there need not be a new notice of publication filed and accepted the amended petition for hearing. 6-0
Land

Administrative Citations

AC 01-37 IEPA v. Marshall Pekarsky (Rockford/Kishwaukee Auto Parts) – Following Second District Appellate Court reversal of the Board's February 7, 2002 order (IEPA v. Marshall Pekarsky and IPCB, 2-02-0281, April 18, 2003), this matter was remanded to the Board. The Board found that this Winnebago 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. 6-0

AC 03-24 IEPA v. Arrowhead Tree Removal, Inc. – The Board granted complainant's motion for reconsideration of the Board's May 15, 2003 order. The Board granted complainant's motion for voluntary dismissal of this administrative citation involving a Jersey County facility. 6-0

Decisions

PCB 01-150 People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners' Association – In this water 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)), and accepted a stipulation and settlement agreement between the People and Marc Development Corporation (Marc) only. Marc was ordered to pay a civil penalty of \$20,000 and was ordered to cease and desist from further violations. 6-0
W-E

PCB 02-56 People of the State of Illinois v. Chiquita Processed Foods, L.L.C. – In this water enforcement action concerning a Peoria 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, ordered the respondent to pay a total civil penalty of \$113,137.76, and to cease and desist from further violations. 6-0
W-E

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Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and vice president of Skokie Valley Asphalt Co., Inc.</u> – The Board denied the complainant’s motion for leave to file a reply to respondents’ response to the motion to strike or dismiss. The complainant’s motion to strike affirmative defenses was granted in part. The first two affirmative defenses are stricken, but the third affirmative defense remains. Respondent Skokie Valley’s motion to dismiss the Fredericks from this cause was denied.	6-0 W-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted the complainant’s motion to strike in part and denied the motion in part. The Board granted the motion to strike 12 alleged affirmative defenses raised by respondent. Respondent withdrew another of its purported affirmative defenses. The Board denied the complainant’s motion to strike three remaining alleged affirmative defenses raised by respondent.	6-0 W-E
PCB 00-147	<u>Fox River Water Reclamation District v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Kane County facility.	6-0 P-A, NPDES
PCB 00-180	<u>People of the State of Illinois v. Jacobs Energy Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Rock Island County facility, the Board ordered publication of the required newspaper notice.	6-0 A&L-E
PCB 02-159	<u>The Ensign Bickford Company v. IEPA</u> – Having granted parties request in <i>In re Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.102</i> , AS 00-5 (June 5, 2003), the Board denied as moot the parties’ request that this case be reopened and Dyno Nobel be substituted for EBCo in the variance.	6-0 A-V
PCB 03-83	<u>Tri-Town Service 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 Cook County facility.	6-0 UST Fund
PCB 03-110	<u>Talcott Building Partnership v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST Appeal
PCB 03-121	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.	6-0 UST Appeal

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PCB 03-122	<u>Chronister Oil Company d/b/a Quik-N-EZ</u> – The Board accepted for hearing this underground storage tank appeal involving a Christian County facility.	6-0 UST Appeal
PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, Kankakee County Board and Waste Management of Illinois, Inc; Michael</u>	6-0 P-C-F-S-R
PCB 03-133	<u>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.</u> – The Board denied the parties’ motions for sanctions.	
PCB 03-134		
PCB 03-135 (Cons.)		
PCB 03-126	<u>Mick’s Garage v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	6-0 UST Appeal
PCB 03-127	<u>Brunner Brothers 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 Tazewell County facility.	6-0 UST Appeal
PCB 03-129	<u>Keller Oil Properties, Inc. (May 1, 2000 – August 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-130, PCB 03-131, PCB 03-136, and PCB 03-137.	6-0 UST Appeal
PCB 03-130	<u>Keller Oil Properties, Inc. (July 1, 2000 – March 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-131, PCB 03-136, and PCB 03-137.	6-0 UST Appeal
PCB 03-131	<u>Keller Oil Properties, Inc. (July 1, 2001 – March 31, 2002) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-136, and PCB 03-137.	6-0 UST Appeal
PCB 03-132	<u>Dickey Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Clay County facility.	6-0 UST Appeal
PCB 03-136	<u>Keller Oil Properties, Inc. (October 1, 1999 – July 1, 2000) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-131, and PCB 03-137.	6-0 UST Appeal

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PCB 03-137	<u>Keller Oil Properties, Inc. (July 1, 2000 – March 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-131, and PCB 03-136.	6-0 UST Appeal
PCB 03-147	<u>People of the State of Illinois v. Westfield Homes of Illinois</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Lake County, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 03-153	<u>People of the State of Illinois v. C&F Packing Co., Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Lake County, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 03-159	<u>Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action involving a Henry County facility.	6-0 Citizens A& N-E
PCB 03-161	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – The Board granted petitioner’s motion for reconsideration, and reaffirmed it’s April 17, 2003 decision to dismiss petitioner’s amended petition as untimely.	6-0 P-C-F-S-R
PCB 03-210	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – The Board refused to accept petitioner’s petition for review and denied respondent Des Plaines’ motion to dismiss as moot.	6-0 P-C-F-S-R 3d Party
PCB 03-217	<u>Prime Time Citgo 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-218	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois</u> – The Board accepted for hearing this pollution control facility siting appeal involving an Ogle County facility.	6-0 P-C-F-S-R
PCB 03-219	<u>Randall Industries 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 DuPage County facility.	6-0 UST Appeal 90-Day Ext.

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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 – The Board accepted for hearing this air enforcement action involving a Cook County facility. 6-0
A-E

June 19, 2003 Chicago, Illinois

Rulemakings

R03-13 Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations. 6-0
R, Water

R03-21 In the Matter of: Radionuclide Restricted Status, Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115 – The Board adopted a first notice opinion and order in this matter to amend the Board’s public water supply regulations. 6-0
R, PWS

Adjusted Standards

AS 03-1 In the Matter of: Petition of Exelon Generation Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 – The Board granted this Will County petitioner an adjusted standard, with conditions, from the total dissolved water quality standard. 6-0
Water

AS 03-4 In the Matter of: Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 – The Board accepted this DuPage County facility’s petition for an adjusted standard from the volatile organic material limitations for cold cleaning degreasers, granting the motion to incorporate the record in AS 03-3 into this matter. 6-0
Air

AS 03-5 In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) – The Board accepted for hearing this Cook County facility’s amended petition for an adjusted standard from the volatile organic material limitations for papercoating. 6-0
Air

Administrative Citations

AC 03-28 IEPA v. James L. Quirin and C. Grantham Company – The Board found that these St. Clair County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondents to pay a civil penalty of \$1,500. 6-0

Environmental Register – June 2003

AC 03-29	<u>IEPA v. Robert A. Power, Jr. and Susan L. Power</u> – The Board found that these St. Clair County respondents violated Section 21(p)(1), (3), and (7) of the Act (415 ILCS 5/21(p)(1), (3), (7) (2002)) and ordered respondents to pay a civil penalty of \$4,500.	5-1 Girard dissented
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Decisions

PCB 03-104	<u>Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois</u> – The Board affirmed respondent's December 10, 2002 denial of petitioner's application to construct a waste transfer facility at the Woodland Landfill site, finding that the County's procedures were fundamentally fair and the decision was not against the manifest weight of the evidence.	6-0 P-C-F-S-R
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Provisional Variances

PCB 03-231	<u>General Dynamics Ordnance and Tactical Systems, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a provisional variance to this Williamson County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	6-0 L-V
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PCB 03-234	<u>Dynergy Midwest Generation, Inc. (Baldwin Power Station) v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this facility, located in St. Clair and Randolph Counties, a 45-day provisional variance, subject to conditions, from the 35 Ill. Adm. Code 304.141(a) and the effluent limits in National Pollutant Discharge Elimination System Permit No. IL000004 as they apply to total suspended solids for Outfall 001.	6-0 W-V
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Motions and Other Matters

PCB 95-180	<u>People of the State of Illinois v. Archer Daniels Midland Company</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 Macon County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
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PCB 97-33	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Peoria County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
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PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted complainant’s motion to deem facts admitted.	6-0 A-E
PCB 99-92	<u>People of the State of Illinois v. Hartz Construction Co., Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 L-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board denied complainant’s motion to strike respondent’s affirmative defenses specific to count I and count II and the second specific affirmative defense to count VI. The Board granted the motion to strike respondent’s four general affirmative defenses as to all counts, respondent’s affirmative defenses to counts III and IV, and the first specific affirmative defense to count VI.	6-0 A-E
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – The Board found that portions of the complaint were frivolous, and dismissed those portions of the complaint requesting attorney fees. The Board also dismissed the complaint as to the Beverly and Lakeside Trusts. The Board found that the remaining alleged violations in the complaint were neither duplicative nor frivolous, denied the motion to dismiss, and accepted for hearing this matter involving a Cook County facility.	6-0 Citizens UST-E
PCB 03-77	<u>Chrisman Farm Center v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving an Edgar County facility.	6-0 UST Appeal
PCB 03-143	<u>Waste Management of Peoria 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 Tazewell County facility.	6-0 UST Appeal
PCB 03-145	<u>R.W. Sheridan Oil Co., Inc. 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 McLean County facility.	6-0 UST Appeal
PCB 03-148	<u>Clark Retail Enterprises, Inc. 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 McHenry County facility.	6-0 UST Appeal
PCB 03-151	<u>Pete’s Marathon 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 Marion County facility.	6-0 UST Appeal

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PCB 03-156	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-157 and PCB 03-158.	6-0 UST Appeal
PCB 03-157	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-156 and PCB 03-158.	6-0 UST Appeal
PCB 03-158	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-156 and PCB 03-157.	6-0 UST Appeal
PCB 03-204	<u>Warren’s Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Mercer County facility.	6-0 UST Appeal
PCB 03-221	<u>Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois</u> – The Board accepted for hearing this pollution control facility siting denial appeal involving a McHenry County municipal waste transfer station.	6-0 P-C-F-S-R
PCB 03-222	<u>People of the State of Illinois v. Mecalux Illinois, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	6-0 A-E
PCB 03-223	<u>People of the State of Illinois v. Elysium Energy</u> – The Board accepted for hearing this land enforcement action involving a Jasper County facility.	6-0 L-E
PCB 03-224	<u>People of the State of Illinois v. Village of Sims, Followell Construction Company, Inc., and Lamac Engineering Company</u> – Upon receipt of separate proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement as to respondents Followell Construction Company, Inc. and the Village of Sims in this water enforcement action involving a Wayne Island County facility, the Board ordered publication of the required newspaper notice. As to the remaining respondent, Lamac Engineering Company, the Board accepted the complaint for hearing.	6-0 PWS-E
PCB 03-225	<u>Pete’s Marathon (November 2, 2002 – November 30, 2002) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-226	<u>Pete’s Marathon (December 1, 2002 – December 31, 2002) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.

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PCB 03-227	<u>Pete's Marathon (January 1, 2003 – January 31, 2003) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-228	<u>Graham C-Stores 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-229	<u>Graham 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-230	<u>Catholic Bishop of Chicago v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-0 UST Appeal

New Cases

June 5, 2003 Board Meeting

03-217 Prime Time Citgo 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 Kane County facility.

03-218 Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois – The Board accepted for hearing this pollution control facility siting appeal involving an Ogle County facility.

03-219 Randall Industries 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 DuPage County facility.

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 – The Board accepted for hearing this air enforcement action involving a Cook County facility.

AC 03-031 County of Ogle v. Rochelle Waste Disposal, L.L.C. and Clyde A. Gelderloos, Chief Operator, and City of Rochelle – The Board accepted an administrative citation against these Ogle County respondents.

AC 03-031 County of Vermilion, Illinois v. Brickyard Disposal and Recycling, Inc. – The Board accepted an administrative citation against this Vermilion County respondent.

AC 03-032 IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales – The Board accepted an administrative citation against these Peoria County respondents.

AS 03-004 In the Matter of: Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 – Pending receipt of the certificate of publication, the Board held this DuPage County facility's petition for an adjusted standard from the Board's air pollution control regulations.

AS 03-005 In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) – Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Board's air pollution control regulations.

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June 19, 2003 Board Meeting

03-221 Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois – The Board accepted for hearing this pollution control facility siting denial appeal involving a McHenry County municipal waste transfer station.

03-222 People of the State of Illinois v. Mecalux Illinois, Inc. – The Board accepted for hearing this air enforcement action involving a Cook County facility.

03-223 People of the State of Illinois v. Elysium Energy – The Board accepted for hearing this land enforcement action involving a Jasper County facility.

03-224 People of the State of Illinois v. Village of Sims, Followell Construction Company, Inc., and Lamac Engineering Company – Upon receipt of separate proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement as to respondents Followell Construction Company, Inc. and the Village of Sims in this water enforcement action involving a Wayne Island County facility, the Board ordered publication of the required newspaper notice. As to the remaining respondent, Lamac Engineering Company, the Board accepted the complaint for hearing.

03-225 Pete's Marathon (November 2, 2002 – November 30, 2002) 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 Marion County facility.

03-226 Pete's Marathon (December 1, 2002 – December 31, 2002) 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 Marion County facility.

03-227 Pete's Marathon (January 1, 2003 – January 31, 2003) 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 Marion County facility.

03-228 Graham C-Stores 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 Kane County facility.

03-229 Graham 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 Kane County facility.

03-230 Catholic Bishop of Chicago v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

03-231 General Dynamics Ordnance and Tactical Systems, Inc. v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a provisional variance to this Williamson County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

03-234 Dynegy Midwest Generation, Inc. (Baldwin Power Station) v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this facility, located in St. Clair and Randolph Counties, a 45-day provisional variance, subject to conditions, from the 35 Ill. Adm. Code 304.141(a) and the effluent limits in National Pollutant Discharge Elimination System Permit No. IL000004 as they apply to total suspended solids for Outfall 001.

AC 03-033 IEPA v. Olen G. Parkhill, Jr. – The Board accepted an administrative citation against this Peoria County respondent.

AC 03-034 IEPA v. Olen G. Parkhill, Jr. – The Board accepted an administrative citation against this Peoria County respondent.

R04-001 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

R04-002 In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

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R04-003 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

R04-004 In the Matter of: UIC Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

R04-005 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 – June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

R04-006 In the Matter of: RCRA Subtitle C (Hazardous Waste) Update (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

R04-007 In the Matter of: UST Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments, which occurred during the period of January 1, 2003 through June 30, 2003.

Calendar

7/10/03 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago, Illinois
7/15/03 10:00AM	PCB 03-2	Todd's Service Station v. IEPA	Hearing in City Hall Council Chambers 400 Margaret Street Pekin, IL
7/16/03 10:00AM	PCB 03-126	Mick's Garage v. IEPA	Madison County Administration Building, County Board Room 203 157 North Main Street Edwardsville, IL
7/18/03 10:00AM	R03-11	In the Matter of: Site Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233.	Illinois Pollution Control Board Hearing Room 600 South Second Street, Suite 402 Springfield, IL 62704
7/21/03 9:00AM	PCB 03-60	V.W. Bowman Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-85	Biggs Brothers Service v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-87	Main Station v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL

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7/21/03 9:00AM	PCB 03-88	R. W. Sheridan Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-89	Wabash Valley v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-118	Dalee Oil Company (7/1/01 - 9/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room, 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-119	Dalee Oil Company (9/1/01 - 11/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-132	Dalee Oil Company (9/1/01 - 11/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/21/03 9:00AM	PCB 03-150	Dalee Oil Company (January 1, 2001 - August 31, 2002) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-60	V.W. Bowman Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-85	Biggs Brothers Service v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-87	Main Station v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-88	R. W. Sheridan Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-89	Wabash Valley v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-118	Dalee Oil Company (7/1/01 - 9/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-119	Dalee Oil Company (9/1/01 - 11/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL

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7/22/03 9:00AM	PCB 03-132	Dickey Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/22/03 9:00AM	PCB 03-150	Dalee Oil Company (January 1, 2001 - August 31, 2002) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/23/03 9:00AM	PCB 03-60	V.W. Bowman Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/23/03 9:00AM	PCB 03-85	Biggs Brothers Service v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
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7/23/03 9:00AM	PCB 03-150	Dalee Oil Company (January 1, 2001 - August 31, 2002) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-60	V.W. Bowman Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-85	Biggs Brothers Service v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL

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7/24/03 9:00AM	PCB 03-87	Main Station v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-88	R. W. Sheridan Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-89	Wabash Valley v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-118	Dalee Oil Company (7/1/01 - 9/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-119	Dalee Oil Company (9/1/01 - 11/30/01) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-132	Dickey Oil Company v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 9:00AM	PCB 03-150	Dalee Oil Company (January 1, 2001 - August 31, 2002) v. IEPA	Illinois Environmental Protection Agency, TQM Training Room 1021 North Grand Avenue East Springfield, IL
7/24/03 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago, Illinois
8/7/03 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph St./Chicago Hearing Room/Springfield
8/7/03 1:00PM	AS 03-5	In the Matter of: Petition of Cromwell Phoenix, Inc. for an Adjusted Standard from: 35 Ill. Adm. Code Subpart F, Section 218.204(c) (the "Paper Coating Rule")	Illinois Pollution Control Board James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago, IL
8/21/03 11:00AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago, Illinois
9/4/03	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph St./Chicago Hearing Room/Springfield

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9/18/03	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago, Illinois
9/23/03 10:00PM	PCB 97-2	People of the State of Illinois v. Jersey Sanitation Corporation	Jerseyville City Council Chambers 115 E. Prairie Jerseyville, IL
9/24/03 10:00PM	PCB 97-2	People of the State of Illinois v. Jersey Sanitation Corporation	Jerseyville City Council Chambers 115 E. Prairie Jerseyville, IL

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 2003.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Poplar Grove South STP	Village of Poplar Grove	Boone	0
Poplar Grove North STP	Village of Poplar Grove	Boone	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Winnebago-SS overflow to Westfield LS; East 4 blocks of Soper St.	Village of Winnebago	Winnebago	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: Poplar Grove North STP

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 2003.

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

FACILITY <u>NAME</u>	RESPONSIBLE <u>AUTHORITY</u>	<u>COUNTY</u>	REMAINING <u>CAPACITY</u>	PE ADDED SINCE <u>LAST LIST</u>
Antioch STP	Village of Antioch	Lake	1,539	0
Beardstown SD	City of Beardstown	Cass	1,769	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester STP	City of Chester	Randolph	485	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Dakota	Village of Dakota	Stephenson	90	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	3,664	0
Earlville	City of Earlville	LaSalle	120	0
East Dundee STP	Village of E. Dundee	Kane	556	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lindenhurst S.D.	Village of Lindenhurst	Lake	785	0
Lockport	City of Lockport	Will County	395	740
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	188
New Lenox STP 1**	Village of New Lenox	Will	2,217	184
Paris STP	City of Paris	Edgar	0	0
Plainfield South STP	Village of Plainfield	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	4,570	74
Sandwich	Village of Sandwich	DeKalb/Kendall	355	0
Streator	City of Streator	LaSalle/ Livingston	1,100	0
Thompsonville STP	Village of Thompsonville	Franklin	0	0

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<u>FACILITY</u> <u>NAME</u>	<u>RESPONSIBLE</u> <u>AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING</u> <u>CAPACITY</u>	<u>PE ADDED</u> <u>SINCE</u> <u>LAST LIST</u>
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	253
Wauconda WWTP	Village of Wauconda	Lake		

Deletions from previous quarterly report: None

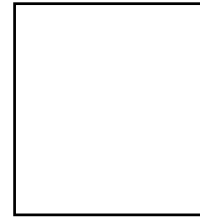
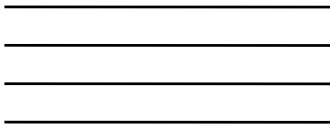
Additions from previous quarterly report: Wauconda WWTP

***Contact IEPA – Permit Section

The Illinois Pollution Control Board is an independent seven-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
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Springfield, Illinois 62704