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# Environmental Register

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Claire A. Manning, Chairman

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## Letter From the Chairman

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I am very pleased to announce that the Board once again consists of seven full-fledged members. Recently, Governor Ryan appointed Samuel T. Lawton, Jr. to fill the position formerly occupied by Kathleen Hennessey who resigned in August 1999 to take a position as Environmental Counsel to Daimler-Chrysler in Michigan. Member Lawton comes to the Board with much experience in Illinois environmental law, having served as one of the original members of this Board from July 1970 to August 1973. Before and since then, Member Lawton has practiced law as a partner at Altheimer & Gray in Chicago. He has also served as an Arbitrator with the American Arbitration Association's National Commercial and Labor Panels, Chairman of the Chicago Bar Association's Committee on Local Government, member of the Illinois Bar Association's Environmental Law Council, and Member and Chairman of the Illinois Air Pollution Control Board, a predecessor to the IPCB. Lawton's current term expires on June 30, 2002 and he will be based out of our Chicago office in the James R. Thompson Center. Member Lawton's Senate confirmation hearing was April 5, 2000. On behalf of the entire Board, I would like to welcome Sam to the IPCB and look forward to working with him.



Congratulations also are due Board Member Ronald C. Flemal who was reappointed by Governor Ryan to his sixth term on the Illinois Pollution Control Board. Member Flemal's appointment was confirmed by the Illinois State Senate on March 22, 2000. Ron is an integral part of the Board, and we are all pleased to have him back for another term.

The Board continues to fill various staff positions. In January, I announced that the Board was conducting a search for an Environmental Scientist. It is a pleasure to report that the response has been overwhelming. The Board is no longer accepting new applications and is now faced with the difficult task of narrowing down the field of candidates for interviews. I would like to thank everyone for their submissions and interest in the Board.

Also, the Board will be soon filling an attorney position and a computer position. Persons interested in the computer position should call our EDP Coordinator, Dawn Turley, at the Board's Springfield office. Any persons interested in the attorney position should send their resume to Karen Newbold, the Board's Personnel Officer, also at the Board's Springfield office. The position is open due to the recent resignation of Board Hearing Officer and general staff attorney Amy Muran-Felton, who took a position as staff attorney with the Citizen's Utility Board. Current Board attorneys Steve Langhoff (Springfield) and Gertrude Kelly (Chicago) will be acting as Hearing Officers on Amy's cases under the direction of Chief Hearing Officer John Knittle.

Last, but most certainly not least, the Board recently went to First Notice on an entire set of new procedural rules. These rules are similar to R97-8, but have undergone extensive changes due to the public comments we received and other statutory changes which have occurred since then. While the process of rewriting our rules was a long and arduous one, I am quite hopeful that those involved in our process will agree that the end product will be well worth the effort. We are accepting public comments on these proposed rules until June 1, 2000, and we are holding hearings on April 11 (Springfield) and May 4 (Chicago). Also, for the first time ever, we've established a "Public Comment Page" on our Web site. If you are interested in suggesting any changes to the Board's proposed procedural rules before we adopt them for Second Notice, please visit the site at ([www.ipcb.state.il.us/rules/procedural/procedural.htm](http://www.ipcb.state.il.us/rules/procedural/procedural.htm)) for more information on the hearings and on the public comment period. As ever, if you have any problems or ideas for our Web site, contact the Board's Public Information Coordinator, Cameron Kline at our Springfield office by telephone (217/524-8510) or by email ([klinec@ipcb.state.il.us](mailto:klinec@ipcb.state.il.us)).

Yours,  
Claire Manning, Chairman

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## Federal Update

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### **United States Environmental Protection Agency Adopts 180-Day Accumulation Time Period under RCRA for Electroplaters' F006 Sludge**

On March 8, 2000, the United States Environmental Protection Agency (USEPA) promulgated regulations that allow large quantity generators of certain electroplating wastewater sludge (F006 sludge) to accumulate F006 sludge up to 180 days (or up to 270 days, as applicable) without a hazardous waste storage permit or interim status under the Resource Conservation and Recovery Act (42 USC §§ 6901 *et seq.* (1996)), provided that these generators recycle the F006 sludge and meet certain conditions. 65 Fed. Reg. 12377 (March 8, 2000). USEPA increased the accumulation time to address existing economic barriers to the recycling of F006 sludge through metals recovery and to provide large quantity generators of F006 sludge with an incentive to choose recycling instead of treatment and land disposal as their final waste management option.

The regulations became effective on March 8, 2000. The rule is available on the Internet at: <http://www.epa.gov/epaoswer/hazwaste/gener/f006acum.htm>. For further information contact: Kathy Blanton at 703/605-0761; e-mail: [blanton.katherine@epa.gov](mailto:blanton.katherine@epa.gov)

The Board will adopt the federal amendments in the currently pending identical-in-substance rulemaking, *In re RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999, through December 31, 1999)*, R00-13. For further information contact: Michael McCambridge at 312/814-6924; e-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

### **United States Environmental Protection Agency Vacates Provisions Listing Organobromine Production Wastes as Hazardous Wastes under RCRA**

On March 17, 2000, the United States Environmental Protection Agency (USEPA) vacated regulations listing certain organobromine wastes as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) (42 USC §§ 6901 *et seq.* (1996)). 65 Fed. Reg. 14472 (March 17, 2000). USEPA amended its regulations to conform with an order issued by the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) in *Great Lakes Chemical Corporation v. EPA*, No. 98-1312, that vacated regulations listing certain organobromine wastes as hazardous wastes under RCRA. The rule, "Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities," was published in the *Federal Register* at 63 Fed. Reg. 24596 (May 4, 1998).

USEPA also modified the land disposal restriction treatment standards in 40 CFR 268 by deleting these wastes and the associated treatment standards. In addition, USEPA vacated the "reportable quantity"

requirements for these wastes. Under the court's order, and as amended in the regulations, the vacated federal hazardous waste listings, and regulatory requirements based on those listings, are to be treated as though they were never in effect.

The vacation of these regulations became effective on March 17, 2000. For further information contact: William Brandes at 703/308-8871; e-mail: brandes.william@epa.gov

Organobromine wastes are currently regulated at 35 Ill. Adm. Code 728.133. The Board will adopt the federal amendments in the currently pending identical-in-substance rulemaking, *In re RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999, through December 31, 1999)*, R00-13. For further information contact: Michael McCambridge at 312/814-6924; e-mail: mccambm@ipcb.state.il.us

### **United States Environmental Protection Agency Adopts National Emission Standards For Hazardous Air Pollutants (NESHAP) for New and Existing Sources at Secondary Aluminum Production Facilities**

On March 23, 2000, the United States Environmental Protection Agency (USEPA) promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at secondary aluminum production facilities. 65 Fed. Reg. 15689 (March 23, 2000). The hazardous air pollutants (HAPs) emitted by the secondary aluminum production facilities that are now regulated include organic HAPs, inorganic gaseous HAPs (hydrogen chloride, hydrogen fluoride, and chlorine), and particulate HAP metals. These standards implement Section 112(d) of the Clean Air Act (CAA) (42 USC § 7412(d) (1996)) and are based on the USEPA's determination that secondary aluminum production facilities are major sources of HAP emissions and emit several of the HAPs listed in Section 112(b) of the CAA (42 USC § 7412(b) (1996)).

USEPA expects that the regulations will provide protection to the public health by requiring secondary aluminum production facilities to meet emission standards reflecting application of the maximum achievable control technology. Secondary aluminum production facilities that are area sources would be subject to limitations on emissions of dioxins and furans only. USEPA estimates that implementation of the standards will reduce emissions of all identified pollutants by about 15,600 tons per year (tpy) and HAP emissions will be reduced by approximately 12,400 tpy.

These regulations became effective March 23, 2000. For further information contact: Juan Santiago at 919/541-1084; e-mail: santiago.juan@epamail.epa.gov

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b). (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### **United States Environmental Protection Agency Files Advance Notice of Intent to Initiate Rulemaking Under the Toxic Substances Control Act to Eliminate or Limit the Use of MTBE as a Fuel Additive in Gasoline**

On March 24, 2000, the United States Environmental Protection Agency (USEPA) filed an advance notice of proposed rulemaking under Section 6 of the Toxic Substances Control Act (TSCA) (15 USC § 2605 (1996)) to eliminate or limit the use of Methyl Tertiary Butyl Ether (MTBE) as a fuel additive in gasoline. 65 Fed. Reg. 16093 (March 24, 2000). MTBE is a chemical compound that is used as a fuel additive in gasoline. Refiners have primarily added MTBE to gasoline to meet the Clean Air Act (CAA) (42 USC §§ 7401 *et seq.* (1996)) requirement that areas with severe problems in attaining the National Ambient Air Quality Standard (NAAQS) for ozone use Reformulated Gasoline (RFG) containing 2% oxygen by weight. Some refiners also use MTBE to boost octane of gasoline.

Many states have also voluntarily chosen to use RFG as a means of addressing marginal, moderate, or serious ozone nonattainment areas. In addition to the RFG program, the CAA also requires the establishment of a Wintertime Oxygenated Fuel program. Under this program, gasoline must contain 2.7%

oxygen by weight during the wintertime in areas that are not in attainment for the NAAQS for carbon monoxide. In some cases this requirement is met through the use of MTBE.

USEPA reports that while the use of MTBE as a fuel additive in gasoline has helped to reduce harmful air emissions, it has also contributed to the contamination of the nation's drinking water supplies. Unlike other components of gasoline, MTBE dissolves and spreads readily in the groundwater underlying a spill site, resists biodegradation, and is difficult and costly to remove from groundwater. Low levels of MTBE can render drinking water supplies unpotable due to its offensive taste and odor. At higher levels, it may also pose a risk to human health. The United States Geological Survey has found that the occurrence of MTBE in groundwater is closely related to its use as a fuel additive in the area, finding MTBE in 21 % of ambient groundwater tested in areas where MTBE is used in RFG, compared with MTBE in only 2 % of ambient groundwater in areas using conventional gasoline.

USEPA seeks public comment on a number of aspects of this anticipated regulatory action, including whether it should take action to address any fuel additives other than MTBE. Public comment must be received on or before May 8, 2000. For general information contact Barbara Cunningham at 202/554-1404; e-mail: TSCA-Hotline@epa.gov. For technical information contact Karen Smith at 202/564-9674; e-mail: smith.karen@epa.gov

If adopted by USEPA, the Board would expect the Illinois Environmental Protection Agency to propose a similar state rule for adoption using the Clean Air Act "fast-track" procedures in Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

#### **United States Environmental Protection Agency to Conduct Public Meeting on Proposed Metal Products and Machinery Effluent Rulemaking**

On March 6, 2000, the United States Environmental Protection Agency (USEPA) announced that it will conduct a second public meeting on the upcoming Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Metal Products and Machinery Point Source Category proposed rulemaking. The second public meeting will be held on April 10, 2000, from 9:30 a.m. to 12:30 p.m. in Chicago, Illinois. 65 Fed. Reg. 11755 (March 6, 2000).

The Office of Science and Technology, within USEPA's Office of Water, is holding the second public meeting in order to inform all interested persons of the current status of the Metal Products and Machinery (MP&M) effluent guideline. USEPA intends to propose effluent limitations guidelines and standards for the MP&M industrial category in October 2000.

The public meeting in Chicago will provide the same information as the March 3, 2000 public meeting in Washington, D.C. (see 65 Fed. Reg. 6950 (February 11, 2000)). The meeting is intended to be a forum in which USEPA can report on the status of the rulemaking and interested persons can provide information and ideas to USEPA on key technical, economic, and implementation issues. Although the meeting is open to the public, the limited amount of seating will be available on a first-come basis.

USEPA is developing proposed effluent limitations guidelines and standards for the MP&M Point Source Category under authority of the Clean Water Act (33 USC §§ 1251 *et seq.* (1996)). The MP&M effluent limitations guidelines and standards proposal will apply to facilities that manufacture, rebuild, or maintain finished metal parts, products, or machines. The 18 industrial sectors that are being examined for the MP&M regulation include the following: aerospace; aircraft; bus and truck; electronic equipment; hardware; household equipment; instruments; metal finishing and electroplating job shops; mobile industrial equipment; motor vehicles; office machines; ordnance; precious and non-precious metals; railroad; ships and boats; stationary industrial equipment; printed circuit boards; and other metal products.

For further information contact: Shari Barash at 202/260-7130; e-mail: barash.shari@epa.gov

### **United States Environmental Protection Agency Announces Schedule for RCRA Corrective Action Guidance Documents and Requests Public Comment on RCRA Cleanup Reforms**

On March 24, 2000, the United States Environmental Protection Agency (USEPA) announced a schedule for the availability of Resource Conservation and Recovery Act (RCRA) (42 USC §§ 6901 *et seq.* (1996)) corrective action guidance documents, and requested public comment on RCRA cleanup reforms announced on July 8, 1999. 65 Fed. Reg. 15904 (March 24, 2000).

With this schedule, USEPA intends to encourage greater involvement by states, industry, and the public. The first draft guidance document that is expected to be available is the Handbook of Groundwater Policies for RCRA Corrective Action. USEPA expects it to be available for public review and comment in April 2000. To obtain a copy, persons may call the RCRA Hotline at 800/424-9346. Federal Register Notices will preview the other two draft guidance documents when they become available later this spring. USEPA also intends to post these documents on its Corrective Action website at: <http://www.epa.gov/correctiveaction>.

For more detailed information on specific aspects of the draft guidance documents contact: Andrew Baca at 703/308-6787; e-mail: [baca.andrew@epa.gov](mailto:baca.andrew@epa.gov). For more detailed information on the RCRA Cleanup Reforms contact: Kevin Donovan at 703/308- 8761; e-mail: [donovan.kevin-e@epa.gov](mailto:donovan.kevin-e@epa.gov)

### **United States Environmental Protection Agency Proposes Regulations to Establish a National Organic Program**

On March 13, 2000, the United States Environmental Protection Agency (USEPA) proposed regulations to establish a National Organic Program (NOP) under the direction of the Agricultural Marketing Service (AMS), an arm of the United States Department of Agriculture (USDA). 65 Fed. Reg. 13511 (March 13, 2000). The proposed rule would establish the NOP and is intended to facilitate interstate commerce and marketing of fresh and processed food that is organically produced and to assure consumers that such products meet consistent, uniform standards.

This program will establish national standards for the production and handling of organically produced products, including a National List of substances approved and prohibited for use in organic production and handling. The regulations will establish a national level accreditation program to be administered by the AMS for state officials and private persons who want to be accredited as certifying agents. The proposal includes requirements for labeling products as organic and containing organic ingredients. The regulations also will provide for importation of organic agricultural products from foreign programs determined to have equivalent organic requirements. The program is proposed under the Organic Foods Production Act of 1990, as amended. 7 USC §§ 6501 *et seq.* (1996).

Public comments on the proposal are due by June 12, 2000. The National Organic Program's homepage on the Internet is: <http://www.ams.usda.gov/nop>. For further information contact: Richard Mathews at 202/205-7806.

## **Rule Update**

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**Board Adopts First Notice Proposal in *In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R00-20; Dismisses Docket R97-8***

On March 16, 2000, the Board proposed revised procedural rules for first notice publication in the *Illinois Register* to govern how persons initiate and participate in all proceedings before the Board under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (1998)), and other legislation directing Board action. Upon final adoption, the proposed rules will replace all of the Board's existing procedural rules and all Board resolutions that relate to procedural matters. The Board drafted the proposed rules to more efficiently and effectively implement the Act and other laws in Board proceedings. To avoid confusion and distinguish this proposal from the predecessor docket (R97-8), the Board opened this new docket and dismissed the predecessor docket *In re* Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130 (March 16, 2000), R97-8. The Board received a significant number of public comment in R97-8, which prompted many of the changes that the Board proposed in R00-20.

The Board will hold two public hearings in this matter. The first hearing is scheduled for April 11, 2000, at 1:30 p.m., in Room 403, 600 S. Second St., Springfield, Illinois. The second hearing will be held on May 4, 2000, at 1:30 p.m., in Room 9-040, 100 W. Randolph St., James R. Thompson Center, Chicago, Illinois. The Board intends to make the transcript of each hearing available on the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

The proposal was published at 24 Ill. Reg. 5173 (March 31, 2000). The Board is accepting public comments until June 1, 2000. The Board will establish a public comment page on its Web site that will contain all new public comments as well as the opinion and order from the predecessor docket (R97-8). While the public comment page will be for this proceeding only, it will serve as a pilot program for future Board regulatory proceedings. In addition to regular mail, public comments may also be submitted to the Clerk's Office electronically at [clerk@ipcb.state.il.us](mailto:clerk@ipcb.state.il.us). Persons wishing to comment should refer to the hearing officer's order for specific requirements. The hearing officer's order will also be posted on the Board's Web site.

For additional information contact: Carol Sudman at 217/524-8509; e-mail: [sudmanc@ipcb.state.il.us](mailto:sudmanc@ipcb.state.il.us)

**Board Adopts First Notice Proposal in *In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809, R00-18***

On March 16, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 809 for first notice publication in the *Illinois Register*. On December 16, 1999, the Board dismissed the Illinois Environmental Protection Agency's (IEPA) proposed rules on permitting certain used oil management facilities and used oil transporters. See *In re* Amendments to Permitting for Used Oil Management and Use Oil Transport: 35 Ill. Adm. Code 807 and 809 (December 16, 1999), R99-18. Although the Board dismissed the IEPA's proposed rules, the Board determined that certain technical changes to Part 809 of the Board's rules should be addressed in another rulemaking. The Board also determined that one substantive change to Part 809 was necessary. The proposed substantive change aligns the State and federal definitions of "on-site," and allows unpermitted and unmanifested transport of hazardous waste both across and along public rights of way. In order to make these changes, the Board, on its own motion, proposed amendments in docket R00-18.

The Board will accept written public comment for at least 45 days after the date of publication in the *Illinois Register*. The Board will hold two public hearings in this matter. The first hearing is scheduled for April 20, 2000 at 1:00 p.m. in Room 9-039, 100 W. Randolph St., James R. Thompson Center, Chicago, Illinois. The second hearing will be held on May 18, 2000 at 9:30 a.m. in Room 403, 600 S. Second St., Springfield, Illinois. The Board requested the Department of Commerce and Community Affairs (DCCA) conduct an Economic Impact Study (EcIS), however DCCA did not respond. The Board will rely on a March 10, 2000 letter from DCCA notifying the Board that it lacks the technical and financial resources to conduct an EcIS for any rule pending before the Board.

For additional information contact: Joel Sternstein at 312/814-3665; e-mail: [sternstj@ipcb.state.il.us](mailto:sternstj@ipcb.state.il.us)

**Board Adopts Proposal for Public Comment in In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendmets (July 1, 1999 through December 31, 1999), R00-13**

On March 16, 2000, the Board proposed for public comment amendments to the Illinois regulations that are identical in substance to hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 USC §§ 6921 *et seq.* (1996)). Included are amendments that USEPA adopted during the period July 1, 1999 through December 31, 1999. USEPA took four actions during this period that necessitated Board action (see 64 Fed. Reg. 36466 (July 6, 1999); 64 Fed. Reg. 52828 (September 30, 1999); 64 Fed. Reg. 56469 (October 20, 1999); and 64 Fed. Reg. 63209 (November 19, 1999)).

The federal actions include amendments to the hazardous waste regulations and the universal waste rule involving the designation of waste lamps as a universal waste. The amendments remove the management of waste lamps from the generally-applicable hazardous waste regulations. USEPA also adopted technical corrections to the Phase IV land disposal restrictions and final National Emission Standards for Hazardous Air Pollutants applicable to hazardous waste combustors.

Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 22.4(a) (1998)) 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 USC §§ 6921-6925 (1996)). Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (1998)) do not apply to the Board's adoption of identical-in-substance regulations. Therefore, the amendments are not subject to first or second notice review by the Joint Committee on Administrative Rules.

The proposal for public comment was published at 24 Ill. Reg. 4403 (March 24, 2000). The Board will accept written public comments for at least 45 days after the date of publication in the *Illinois Register*.

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

**Board Accepts Regulatory Proposal for Hearing in In the Matter of: Amendments to 35 Ill. Adm. Code Part 617, Regulated Recharge Area for Pleasant Valley Water District, R00-17**

On February 14, 2000, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal pursuant to Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (1998)). The proposal would amend Part 617 of the Board's public water supply rules to establish the State's first regulatory recharge area under Section 17.3 of the Act (415 ILCS 5/17.3 (1998)). The proposed amendments would establish a regulated recharge area for the Pleasant Valley Public Water District in Peoria County, Illinois. On March 16, 2000, the Board accepted this matter for hearing and directed the hearing officer to schedule hearings as required pursuant to Title VII of the Act. The Board will accept written public comments for at least 45 days after the date of publication in the *Illinois Register*. The Board will hold one public hearing in this matter. The hearing is scheduled for May 9, 2000, at 11:00 a.m., in the County Board Room, Peoria County Courthouse, 324 Main St., Peoria, Illinois. The Board requested the Department of Commerce and Community Affairs (DCCA) to conduct an Economic Impact Study (EcIS), however DCCA did not respond. The Board will rely on a March 10, 2000 letter from DCCA notifying the Board that it lacks the technical and financial resources to conduct an EcIS for any rule pending before the Board.

For additional information contact: Catherine Glenn at 312/814-6923; e-mail: [glennc@ipcb.state.il.us](mailto:glennc@ipcb.state.il.us)

## **Appellate Update**

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**Illinois Supreme Court Affirms Fourth District Appellate Court's Dismissal of Appeal in *ESG Watts, Inc. v. Pollution Control Board*, No. 87158 (March 23, 2000)**

On March 23, 2000, the Illinois Supreme Court, in a published opinion, affirmed the appellate court's dismissal for lack of jurisdiction of ESG Watts, Inc.'s. (ESG Watts) appeal of the Board's decision in *People of the State of Illinois v. ESG Watts, Inc.* (February 19, 1998), PCB 96-237. On appeal, ESG Watts did not name the People of the State of Illinois (State) as a respondent in its petition for review.

In its February 19, 1998 opinion, the Board found ESG Watts had violated financial assurance provisions of the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (1994)) and the Board's landfill rules at the Sangamon Valley Landfill and imposed a \$256,000 fine. In March 1998, ESG Watts petitioned the appellate court for review of the Board's decision. ESG Watts named only the Board in its petition. The Board moved to dismiss the action on the basis that the appellate court lacked jurisdiction because ESG Watts had not named the State as a respondent. After considering briefs and oral arguments, the appellate court granted the Board's motion and dismissed the case in an unpublished Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23) order. *ESG Watts, Inc. v. Illinois Pollution Control Board*, No. 4-98-0229 (February 4, 1999). For additional information on the Rule 23 order see the March 1999 article in the Board's *Environmental Register*. The Supreme Court granted ESG Watts' motion for leave to appeal. The Supreme Court affirmed the appellate court's dismissal of the appeal.

The Supreme Court rejected ESG Watts' argument that a petition for review acts as a notice of appeal and that it should be subject to a liberal construction and that *McGaughy v. Illinois Human Rights Comm'n*, 165 Ill. 2d 1, 649 N.E.2d 404 (1995) was distinguishable. The Court found that judicial review of administrative actions involves the exercise of special statutory review, and that parties must strictly adhere to the proscribed procedures in the statute. The Court found that a rule of strict construction of petitions for administrative review is proper, necessary, and mandated by precedent.

The Court also rejected ESG Watts' argument that the Board is an arm of the State such that the Board and the State constitute a single party for purposes of the petition for review. The Court quickly distinguished *Bulk Terminals Co. v. Environmental Protection Agency*, 29 Ill. App. 3d 978, 331 N.E.2d 260 (1st Dist. 1975), and stated that there was no reason to treat the Board and the State as one and the same entity for purposes of appeal. The Court noted that "[t]he Board is not fungible with the State because the Board was the decisionmaker, in contrast to the prosecutorial role played by the State." *ESG Watts, Inc. v. Pollution Control Board*, No. 87158, slip op. at 6.

The Court further rejected ESG Watts' argument that *Lockett v. Chicago Police Board*, 133 Ill. 2d 349, 549 N.E.2d 1266 (1990) was no longer good law. The Court found no reason to depart from *Lockett*. The reasoning in *Lockett* requires a party seeking administrative review to strictly comply with statutes conferring jurisdiction or face dismissal of the action.

Finally, the Court rejected ESG Watts' argument that the Fourth District erred in failing to conform its result to the supervisory orders entered by the Supreme Court in two unrelated appeals in the Third District. The supervisory orders directed the Third District to vacate dismissals of the two appeals and address the appeals on the merits. The Court found that ESG Watts had waived this argument by its failure to cite supporting authority in accordance with Illinois Supreme Court Rule 341(e)(7).

## **IEPA Restricted Status List**

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm. Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm. Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 2000.

\* Indicates public water supplies which have been added to the list since the previous publication.

<u>NAME /COUNTY/FACILITY #</u>	<u>EPA RGN.</u>	<u>PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alden Long Grove Nursing Center(Lake Co - 0971090)	2	Inadequate Pres Tank	204	06/15/93
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Blue Mound (Macon Co - 1150100)	4	Nitrate	1,165	03/15/97
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Bryant (Fulton Co - 0570200)	5	Gross Alpha	310	03/15/98
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
Campus (Livingston Co - 1050050)	4	Inadequate Pres Tank	230	03/20/81
Carroll Hts Util Cmpny (Carroll Co - 0155200)	1	Inadequate Pres Tank	80	03/20/81
Century Pines Apts (Carroll Co - 0150020)	1	Inadequate Pres Tank	50	12/14/90
Claremont Hls Sbdv (McHenry Co - 1115080)	2	Inadequate Pres Tank	330	03/15/96
Clearview Sbdv (Will Co - 1975360)	2	Inadequate Pres Tank	420	01/13/82
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81

Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
Ctzns Liberty Ridge Dvn (DuPage Co - 0435650)	2	Inadequate Pres Tank	2,510	03/15/94
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
East Moreland Wtr Assn (Will Co - 1975600)	2	Inadequate Pres Tank	753	03/20/81
East Moreland Wtr Corp (Will Co - 1975640)	2	Inadequate Pres Tank	135	03/15/96
Echo Lake Wtr Sys Block 7 (Lake Co - 0975820)	2	Inadequate Pres Tank	48	09/16/83
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Ellis Grove (Randolph Co - 1570200)	6	Trihalomethane	720	12/16/96
Elm Oak Mutual Wtr Syst (Lake Co - 0975736)	2	Inadequate Pres Tank	45	06/13/86
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81
Fahnstock Court Sbdv (Peoria Co - 1435200)	5	Inadequate Pres Tank	30	05/25/81
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
Frwr-Skyline Cpy (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenkirk Campus North (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Glenkirk Campus South (Lake Co - 0977199)	2	Inadequate Pres Tank	36	06/15/88
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Greenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank		12/15/98
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95

Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
Hettick (Macoupin Co - 1170500)	5	Atrazine	250	03/15/99
Highland Lake Sbdv (Lake Co - 0975750)	2	Inadequate Pres Tank	294	03/20/81
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Hills Wtr Supply Cp(Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Rentals (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Lemon Street Wl Cmpny Inc (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little Swan Lake Sndst (Warren Co - 1875050)	5	Inadequate Pres Tank	250	03/15/98
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)	6	Inadequate Pres Tank	39	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Mayfair Sbdv (Tazewell Co - 1795750)	5	Inadequate Pres Tank	150	03/16/90
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96

*Mount Olive (Macoupin - 1170700)	5	Trihalomethane	2,150	03/15/00
*New Hope Wtrwks Corp (Wayne Co - 1915100)	7	Trihalomethane	676	03/15/00
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank		115
				09/29/81
Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Osc Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank		115
				12/15/89
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Ports of Sullivan Lake Assn (Lake co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
Princeville (Peoria Co - 1430750)	5	Adjusted Gross Alpha	1,815	12/15/97
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Ledges Wtr Assoc(Rock Island Co-1615670)	1	Inadequate Pres Tank		475
				03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
*Scottville (Macoupin Co - 1170010)	5	Trihalomethane	510	3/15/00
Shawnta Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
Spring Creek Wtr Assn (Macoupin Co - 1175450)	5	Trihalomethane	60	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Staunton Res Rd Wtr (Macoupin Co - 1175250)	5	Trihalomethane	70	12/16/96
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84

Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
Three County PWD (Madison Co - 1195450)	6	Trihalomethane	1,500	12/12/99
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99
Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co - 1615686)	1	Inadequate Pres Tank	32	06/18/82
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co(Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co(McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
Salem (Edwards Co - 0470200)	7	Inadequate Treatment Plant	1,058	03/15/99
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Westfield (Clark Co - 0230200)	4	Inadequate Water Source	700	06/15/93
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodland Hts Ests Sbdv (Peoria Co - 1435760)	5	Inadequate Pres Tank	245	03/20/81
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

**PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST**

Ashley (Washington Co - 1890100)  
 Belmont-Highwood PWD (DuPage Co - 0435180)  
 (Macoupin Co - 1170050)  
 Buck Lake Ests Sbdv (DeKalb Co - 0375100)  
 Byron Woods Sbdv (Rock Island Co - 1610070)  
 Coffeen (Montgomery Co - 1350150)  
 Hull (Pike Co - 1490350)  
 Hutsonville (Crawford Co - 0330100)  
 Kaho PWD (Macoupin Co - 1170030)  
 Maple Hill Imprv Assn (DuPage Co - 0435800)

Mount Gilead Shlcrhm (Greene Co - 0615129)  
 Sawyerville (Macoupin Co - 1170850)  
 Shipman (Macoupin Co - 1170950)  
 Taylor Springs (Montgomery Co - 1350650)  
 White City (Macoupin Co - 1171150)  
 Wilsonville (Macoupin Co - 1171200)

## **IEPA Critical Review List**

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The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations which would place it on the Restricted Status List.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 2000.

\* Indicates public water supplies which have been added to the list since the previous publication.

<u>NAME /COUNTY/FACILITY #</u>	<u>EPA RGN.</u>	<u>PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)	4	Inadequate Pres Tank	442	03/15/98
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Ctzns Chickasaw Hills Div (Will Co - 1975320)	2	Low System Pressure	7,700	09/17/92
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Clinton (DeWitt Co - 0390050)	4	Inad Plant Capacity	7,437	06/14/91
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Georgetown (Vermilion Co - 1830350)	4	Inadequate Water Plant	3,678	06/15/93
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92

Homer (Champaign Co - 0190300)	4	Inadequate Source	1,300	03/15/94
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	06/14/85
LaMoille (Bureau Co - 0110500)	5	Inadequate Plant Capacity	750	06/15/99
Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	03/15/98
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Pearl (Pike Co - 1490650)	5	Inadequate Pres Tank	322	09/17/82
Pheasant Knolls Sbdv (Lake Co - 0970290)	2	Inadequate Pres Tank	130	09/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Tower Ridge Sbdv (Rock Island Co - 1615780)	1	Inadequate Pres Tank	70	03/15/94
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

## Board Actions

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**March 2, 2000**  
**Springfield, Illinois**



## Rulemakings

R00-13	<u>In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	Vote 6-0
R00-17	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 617, Regulated Recharge Area for Pleasant Valley Water District</u> - The Board accepted for hearing the Illinois Environmental Protection Agency’s February 14, 2000 proposal to amend the Board’s public water supply.	Vote 6-0

## Administrative Citations

AC 00-3 et al. (Cons.) AC 00-64 AC 00-65 AC 00-66	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing the three most recently-filed petitions against ESG Watts, Inc., those filed in AC 00-64, 65, and 66 for hearing; the Board had previously accepted for hearing 34 earlier-filed petitions for review. The Board, on its own motion consolidated, for purposes of hearing, all 37 of the currently pending administrative citations against ESG Watts, Inc. pursuant to 35 Ill. Adm. Code 103.141.	Vote 6-0
AC 00-62	<u>Wayne County Health Department v. John Heern</u> - The Board found that this Wayne County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500.	Vote 6-0
AC 00-69	<u>IEPA v. Raymond Pollock</u> - The Board accepted for hearing this petition for review of an administrative citation against this Douglas County respondent.	Vote 6-0

## Adjudicatory Cases

- Decisions

PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - 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 air enforcement action concerning asbestos demolition and renovation activity performed at various sites in Cook and Kankakee Counties, ordered the respondent to pay a civil penalty of \$8,000, and to cease and desist from further violations.	Vote 6-0
PCB 98-114	<u>David Mulvain v. Village of Durand</u> - The Board found that respondent violated Sections 12(a) and (f) of the Act (415 ILCS 5/21(a), 21(f) (1998)) and 35 Ill. Adm. Code 306.303 and 306.304, found that a civil penalty was not necessary, and directed respondent to cease and desist from further violations.	Vote 6-0
PCB 00-25	<u>KRKH, Inc. v. IEPA, Studio 21 Limited, Joe and Theresa Sciafini, and Midwest Bank and Trust As Trustee Under Trust No. 74-11-1383</u> - The Board granted this DuPage County facility an exception to the prohibition of siting a new potential source within the setback zone of a potable water supply well, pursuant to Section 14.2(c) of the Environmental Protection Act (415 ILCS 5/14.2(c) (1998)), subject to conditions.	Vote 5-0 Melas abstained
PCB 00-68	<u>Village of White City v. IEPA</u> - The Board granted this Macoupin County facility a variance from the public water supply regulations found at 35 Ill. Adm. Code 602.105(a), 602.106(a), and 611.310(c), subject to conditions.	Vote 6-0
PCB 00-114	<u>Three County Public Water District v. IEPA</u> - The Board granted this Madison County facility a variance from the public water supply regulations found at 35 Ill. Adm. Code 602.105(a), 602.106(a), and 611.310(c), subject to conditions.	Vote 6-0

## Motions and Other Matters

PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - Upon receipt of three separate citizens' request for hearing, the Board denied the request for relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), and ordered this land enforcement action to proceed to hearing.	Vote 6-0
PCB 97-50	<u>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</u> - The Board denied complainants' motions to vacate the Board's January 6, 2000 order and for a rehearing.	Vote 6-0
PCB 97-75	<u>People of the State of Illinois v. John Jankowski</u> - The Board granted complainant's motion for voluntary dismissal of this land enforcement action involving a Lake County facility.	Vote 6-0
PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board granted complainant's motion to voluntarily dismiss its complaint and directed the third-party complainant to show why the third-party complaint should not be dismissed as moot by March 9, 2000.	Vote 6-0

PCB 98-149	<u>North Shore Sanitary District v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Lake County facility.	Vote 6-0
PCB 99-152	<u>People of the State of Illinois v. Eagle-Picher Industries</u> - The Board granted complainant's first amended motion to correct misnomer and to amend the complaint and to file a first amended complaint.	Vote 6-0
PCB 00-92	<u>Colony of Longmeadow HOA v. Dominick's (Mundelein Facility)</u> - The Board granted the motion for leave to file an amended formal complaint adding respondents and accepted the amended complaint filed in response to the Board's January 6, 2000 order.	Vote 6-0
PCB 00-137	<u>Berwyn Auto Service 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 Cook County facility.	Vote 6-0
PCB 00-138	<u>Granite City Sheet Metal 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 Madison County facility.	Vote 6-0
PCB 00-139	<u>L. Wolf 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 Madison County facility.	Vote 6-0

**March 16, 2000**  
**Chicago, Illinois**

**Rulemakings**

R97-8	<u>In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130</u> - On its own motion, the Board dismissed this docket to amend the Board's procedural rules.	Vote 5-0
R00-18	<u>In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809</u> - On its own motion, the Board issued a first-notice opinion and order in this matter to amend the Board's solid waste and special waste hauling regulations.	Vote 5-0
R00-20	<u>In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130</u> - On its own motion, the Board issued a first-notice opinion and order in this matter proposing to amend the Board's procedural rules and scheduling hearings April 11, and May 4, 2000.	Vote 5-0

**Adjusted Standard**

AS 96-10	<u>In the Matter of Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e)</u> -The Board granted the joint motion of Commonwealth Edison Company (ComEd) and Midwest Generation to reopen this docket and substitute Midwest Generation as the petitioner and holder of the adjusted standard previously granted to ComEd in an order dated October 3, 1996. <u>In re Petition of Commonwealth Edison Company for an Adjusted Thermal Standard from 35 Ill. Adm. Code 302.211(d) and (e)</u> (October 3, 1996), AS 96-10.	Vote 5-0
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## Administrative Citations

AC 00-33	<u>County of Sangamon v. American Tree Service, Roy F. Throop</u> - The Board granted respondent's motion for reconsideration of the January 20, 2000 Board Order, and reinstated the petition for review, which will proceed to hearing.	Vote 4-0 Kezelis abstained
AC 00-67	<u>IEPA v. Tony Brown</u> - The Board found that this Champaign County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500.	Vote 5-0

## Adjudicatory Cases

- Decisions**

PCB 00-57	<u>People of the State of Illinois v. J&amp;J Services, Inc.</u> - 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 air enforcement action concerning a facility located in Jefferson County, Illinois, and ordered the respondent to pay a civil penalty of \$7,500, and to cease and desist from further violations.	Vote 5-0
PCB 00-97	<u>People of the State of Illinois v. Southern Mold, Inc.</u> - 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 air enforcement action concerning a facility located in Williamson County, Illinois, and ordered the respondent to pay a civil penalty of \$500, and to cease and desist from further violations.	Vote 5-0

- Provisional Variances**

PCB 00-152	<u>The United States Army Corps of Engineers-Crab Orchard v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Williamson County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning.	Vote 5-0
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## Motions and Other Matters

PCB 95-109	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted petitioner's motion for leave to file its response and granted respondent's motion for summary judgment.	Vote 5-0
PCB 95-110	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted petitioner's motion for leave to file its response and granted respondent's motion for summary judgment.	Vote 5-0
PCB 95-163	<u>People of the State of Illinois v. Clark Refining &amp; Marketing, Inc.</u> - The Board granted respondent's motion to amend the partial stipulation and proposal for settlement previously accepted by the Board on November 22, 1996. Additionally, 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 facility located in Madison County, the Board ordered publication of the required newspaper notice.	Vote 5-0
PCB 97-59	<u>People of the State of Illinois v. Rockford Speedway, 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 facility located in Winnebago County, the Board ordered publication of the required newspaper notice.	Vote 5-0
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S&amp;S Petroleum Products, Peter Anest, f/d/b/a S&amp;S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.</u> - The Board granted cross-complainants' motion for leave to file a second amended cross-complaint.	Vote 5-0
PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> - The Board denied respondent's motion to dismiss the second amended complaint and ordered this matter to proceed to hearing.	Vote 5-0
PCB 98-59	<u>Town of Cicero v. National Jockey Club</u> - The Board granted third-party complainant's motion to voluntarily dismiss its complaint.	Vote 5-0
PCB 98-107	<u>Rogers O'Hare Motor Terminal Limited v. ABF Freight Systems, Inc.</u> - The Board granted complainant's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	Vote 5-0
PCB 00-106	<u>Village of Downers Grove 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 timely filed on behalf of this DuPage County facility.	Vote 5-0
PCB 00-107	<u>The Dow Chemical Company (Joliet Plant) v. IEPA</u> - 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 5-0
PCB 00-116	<u>Fox River Water Reclamation District v. IEPA</u> - Having received a petition for review on behalf of this Kane County facility, which was docketed in as PCB 00-147, the Board dismissed this reserved docket as unnecessary.	Vote 5-0
PCB 00-133	<u>John M. Giertych, Oak Ridge Property Owners v. Tyson Corporation</u> - The Board granted respondents' motion for extension of time to file a response.	Vote 5-0
PCB 00-140	<u>Gladys L. Knox and David A. Knox v. Turris Coal Company and AEI Resources, Inc.</u> - The Board granted respondents' motion for extension of time to file a response.	Vote 4-0 Manning abstained
PCB 00-141	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	Vote 5-0

PCB 00-142	<u>People of the State of Illinois v. Keystone Consolidated Industries, Inc., d/b/a Keystone Steel &amp; Wire Company</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Peoria County facility.	Vote 5-0
PCB 00-144	<u>Federal-Mogul Corporation 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 Cook County facility.	Vote 5-0
PCB 00-145	<u>Marathon Ashland Petroleum, L.L.C. 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.	Vote 5-0
PCB 00-146	<u>C.C. Dillon Company v. Office of the State Fire Marshal</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	Vote 5-0
PCB 00-147	<u>Fox River Water Reclamation District v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Kane County facility.	Vote 5-0
PCB 00-149	<u>Northwestern Steel and Wire Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Whiteside County facility.	Vote 5-0
PCB 00-150	<u>AC Humko (Morgan Specialties) v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Edgar County facility.	Vote 5-0
PCB 00-151	<u>People of the State of Illinois v. Cleveland Steel Container Corporation</u> - The Board accepted for hearing this air enforcement action against this Will County facility.	Vote 5-0

## New Cases

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### March 2, 2000 Board Meeting

**00-137** Berwyn Auto Service 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 Cook County facility.

**00-138** Granite City Sheet Metal 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 Madison County facility.

**00-139** L. Wolf 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 Madison County facility.

**00-140** Gladys L. Knox and David A. Knox v. Turriss Coal Company and AEI Resources, Inc. - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Sangamon County facility.

**AC 00-70** IEPA v. American Disposal Services of Illinois, Inc. and Dave Bryant - The Board accepted an administrative citation against these Livingston County respondents.

**R00-17** In the Matter of: Amendments to 35 Ill. Adm. Code Part 617, Regulated Recharge Area for Pleasant Valley Public Water District- The Board accepted the Illinois Environmental Protection Agency's February 14, 2000 proposal to amend the Board's public water supply for hearing.

## **March 16, 2000 Board Meeting**

**00-141** E.G. Vogt Oil Company, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

**00-142** People of the State of Illinois v. Keystone Consolidated Industries, Inc., d/b/a Keystone Steel & Wire Company - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Peoria County facility.

**00-143** Curtis Masterson v. City of Fairfield - The Board held for a later duplicitous/frivolous determination this citizen's air enforcement action involving a Wayne County facility.

**00-144** Federal-Mogul 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 this Cook County facility.

**00-145** Marathon Ashland Petroleum, L.L.C. 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.

**00-146** C.C. Dillon Company v. Office of the State Fire Marshal - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.

**00-147** Fox River Water Reclamation District v. IEPA - The Board accepted for hearing this permit appeal involving a Kane County facility.

**00-148** Wayne and Sonja Hall v. Richard L. Miller and Mary J. Miller d/b/a R&M Metals - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Douglas County facility.

**00-149** Northwestern Steel and Wire Company v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Whiteside County facility.

**00-150** AC Humko (Morgan Specialties) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Edgar County facility.

**00-151** People of the State of Illinois v. Cleveland Steel Container Corporation - The Board accepted for hearing this air enforcement action against this Will County facility.

**00-152** The United States Army Corps of Engineers-Crab Orchard v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Williamson County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning.

**AC 00-72** IEPA v. Carl White - The Board accepted an administrative citation against this Jefferson County respondent.

**R00-18** In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809 - On its own motion, the Board issued a first-notice opinion and order in this matter to amend the Board's solid waste and special waste hauling regulations.

**R00-20** In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130 - On its own motion, the Board issued a first-notice opinion and order in this matter proposing to amend the Board's procedural rules and scheduling hearings April 11, and May 4, 2000.

## Calendar

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4/11/2000 1:30 pm	R00-20	In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield, IL
4/18/2000 9:30 am	PCB 96-209	People of the State of Illinois v. Macon County Landfill Company	Macon County Building Room 507 253 East Wood Decatur, IL
4/19/2000 9:30 am	PCB 96-209	People of the State of Illinois v. Macon County Landfill Company	Macon County Building Room 507 253 East Wood Decatur, IL
<b>4/20/2000 10:30 am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL</b>
4/20/2000 1:00 pm	R00-18	In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809	James R. Thompson Center Room 9-039 100 W. Randolph Street Chicago, IL
5/2/2000 9:30 am	PCB 00-124	Agrium U.S., Inc. v. IEPA	Municipal Building Council Chambers 426 East Park Row Henry, IL

5/3/2000	PCB 00-124	Agrium U.S., Inc. v. IEPA	Municipal Building Council Chambers 426 East Park Row Henry, IL
5/4/2000 9:00 am	PCB 96-119	People of the State of Illinois v. We Shred It, Incorporated	Christian County Couthouse County Board Room 101 South Main Street



			Taylorville, IL
<b>5/4/2000 10:30 am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Room 2-025 Chicago, IL</b>
5/4/2000 1:30 pm	R00-20	In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago, IL
5/5/2000 9:00 am	PCB 96-119	People of the State of Illinois v. We Shred It, Incorporated	Christian County Couthouse County Board Room 101 South Main Street Taylorville, IL
5/9/2000 9:30 am	PCB 99-69	Land and Lakes Company v. Randolph County Board of Commissioners	Randolph County Courthouse Third Floor Lounge 1 Taylor Street Chester, IL
5/9/2000 11:00 am	R00-17	In the Matter of: Proposed Regulated Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617	Peoria County Courthouse Board Room 324 Main Street Peoria, IL
5/10/2000 9:30 am	PCB 99-69	Land and Lakes Company v. Randolph County Board of Commissioners	Randolph County Courthouse Third Floor Lounge 1 Taylor Street Chester, IL
5/16/2000 9:30 am	PCB 99-127	Ted Harrison Oil Company v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
5/17/2000 9:30 am	PCB 99-127	Ted Harrison Oil Company v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
5/18/2000 9:30 am	R00-18	In the Matter of : Conforming and Technical Amendments to 35 Ill. Code 809	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield, IL
<b>5/18/2000 10:30 am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL</b>
5/23/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL

5/24/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL
5/25/2000 9:30 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook Avenue Libertyville, IL