



ENVIRONMENTAL REGISTER



No. 527 ♦ A Publication of the Illinois Pollution Control Board ♦ May 1998

RULEMAKING UPDATE

Board Adopts Order Modifying Opinion in In the Matter of: Major Stationary Sources Construction and Modification (New Source Review Rules): Amendments to 35 Ill. Adm. Code 203, R98-10

On May 7, 1998, the Board adopted an order modifying the opinion in this docket, R98-10, which was adopted for final notice publication in the *Illinois Register* on March 5, 1998. On April 9, 1998, the Illinois Environmental Protection Agency, the Illinois Environmental Regulatory Group, and the Emissions Reduction Market System (ERMS) Coalition jointly moved the Board to strike footnote 6 from its final order. That footnote stated in part: “[t]he Board notes that the proposed (New Source Review Rules) NSR amendments would apply prospectively only.” No one opposed this motion. The Board noted that it would amend the final March 5, 1998, order to reflect this revision. See In the Matter of: Major Stationary Sources Construction and Modification (New Source Review Rules): Amendments to 35 Ill. Adm. Code 203 (March 5, 1998), R98-10. ♦

(Rulemaking Update Cont’d on p.2)

FEDERAL ACTIONS

United States Environmental Protection Agency Adopts Final Rule Delaying Implementation Date in Enhanced Inspection and Maintenance Program - On-Board Diagnostic Checks

On May 4, 1998, the United States Environmental Protection Agency (USEPA) revised the federal vehicle inspection and maintenance (I/M) rules relating to the implementation deadline by which states are required to begin on-board diagnostic (OBD) checks as a routine part of basic and enhanced I/M programs. 63 Fed. Reg. 24429 (May 4, 1998). USEPA noted that this final rule delays to January 1, 2001, the required implementation date for OBD in basic and enhanced I/M program areas. During this time, USEPA indicated that it would generate, collect, and analyze the data necessary to accord OBD checks the appropriate level of emission reduction credits. This delayed implementation date was included by the Board in its second notice opinion and order in In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations: Amendments to 35 Ill. Adm. Code 240, R98-24 (May 24, 1998). (See Rulemaking Update, this issue.) ♦

United States Environmental Protection Agency Proposes Revisions to Safe Drinking Water Act Regulations Regarding Variances and Exemptions

On April 20, 1998, the United States Environmental Protection Agency (USEPA) proposed revisions to the existing regulations regarding Safe Drinking Water Act variances and exemptions. 63 Fed. Reg. 19438 (April 20, 1998). These revisions are based on the 1996 Safe Drinking Water Act Amendments (SDWA Amendments) (42 U.S.C. § 300f *et seq.* (1996)). The SDWA Amendments created a new Subpart K, which describes procedures and conditions (Federal Actions Cont’d on p. 5)

Inside This Issue

♦	Appellate Update	p7
♦	Board Actions	p8
♦	New Cases	p16
♦	Calendar of Meetings	p18

RULEMAKING UPDATE

(Cont'd from p.1)

Board Adopts for Second Notice Site-Specific Air Regulation in In the Matter of: Petition of W.R. Grace & Company - Connecticut and the Illinois Environmental Protection Agency for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h), R98-16

On May 7, 1998, the Board adopted for second notice review by the Joint Committee on Administrative Rules a site-specific air regulation in docket R98-16. On November 19, 1998, W.R. Grace & Company - Connecticut (Grace) and the Illinois Environmental Protection Agency (IEPA), pursuant to Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (1996)), filed a joint proposal for site-specific rulemaking. The second notice opinion and order grants the parties' request to add a site-specific air regulation for Grace's facility at Subpart QQ of 35 Ill. Adm. Code 218, specifically at Section 218.940(h).

A hearing in this matter was held on January 8, 1998, and continued on the record until January 21, 1998. An additional hearing was held on March 30, 1998, on the single issue of the decision of the Illinois Department of Commerce and Community Affairs not to conduct an Economic Impact Study in connection with this rulemaking.

Any questions regarding this site-specific regulation may be directed to John Knittle at 312/814-3473; e-mail address: jknittle@pcb084r1.state.il.us ♦

Board Adopts Adjusted Standard in In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company, for an Adjusted Standard from 35 Ill. Adm. Code 215.Subpart F, AS 97-5

On May 7, 1998, the Board adopted an order granting petitioner, Louis Berkman Company d/b/a Swenson Spreader Company (Swenson) an adjusted standard from the Board's air regulations found at 35 Ill. Adm. Code 215.204(j)(2). The adjusted standard will terminate on May 7, 2008. In an interim opinion and order dated December 4, 1997, the Board considered the Swenson's petition for an adjusted standard. At that time, the Board determined that Swenson was entitled to an adjusted standard and directed Swenson to file a compliance plan for the adjusted standard. Upon reviewing the compliance plan, the Board granted Swenson the adjusted

standard subject to conditions set forth in the Board's order.

Please direct any questions regarding this matter to Richard McGill at 312/814-6983, e-mail address: rmcgill@pcb084r1.state.il.us ♦

Board Adopts Dismissal Order in In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application), AS 98-5

On May 7, 1998, the Board adopted an order dismissing the petition for adjusted standard from the Board's landfill regulations filed by the Metropolitan Water Reclamation District of Great Chicago (District). The District filed the petition for adjusted standard on March 8, 1998. On April 1, 1998, the Illinois Environmental Protection Agency (IEPA) filed a motion to dismiss, arguing the relief sought by the District is not suitable for an adjusted standard because it is not seeking an adjusted standard from the rule of general applicability. On April 8, 1998, the District responded to the IEPA's motion to dismiss, arguing that it believes it is seeking relief that is already been granted (see Petition of the Metropolitan Water Reclamation District of Greater Chicago for Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 (Sludge Application) (August 24, 1995), AS 95-4). Therefore, the District argued its petition was duplicative and this matter should be dismissed. The Board agreed with the District, finding that the District's petition was duplicative.

Any questions regarding this matter may be directed to Marie Tipsord at 312/814-4925; e-mail address: mtipsord@pcb084r1.state.il.us ♦

Board Adopts First Notice Proposal in In the Matter of: Livestock Waste Regulations: 35 Ill. Adm. Code 506, R97-15(B)

On May 21, 1998, the Board proposed for first notice publication in the *Illinois Register* amendments to 35 Ill. Adm. Code 506, Livestock Waste Regulations. The amendments address issues concerning a facility's proving its ability to pay, also known as financial assurance for lagoon closure, as required under Section 17 of the Livestock Management Facilities Act (510 ILCS 77/17 (1998)).

The proposed rules require lagoon owners to have financial assurance in place either within 180 days of the effective date of the proposed rules or before the lagoon is

placed in service, whichever is later. Financial Assurance can be accomplished by posting a bond, guarantee, commercial or private insurance, letter of credit, or other "surety instrument" with a financial institution such as a bank. Financial assurance can also be established by participating in a livestock waste lagoon closure fund managed by the Illinois Farm Development Authority. The proposed rules also set forth criteria for each of the six surety instruments, as well as the procedures under which such instruments are drawn. The initial term of the surety instrument must be at least three years, and the term of coverage may never be less than two years. This requirement is to ensure that the lagoon can be closed within the statutory time period (see 501 ILCS 77/15(e) (1998)).

The proposed rules also include conditions under which a lagoon is considered removed from service. Removal from service triggers the lagoon owner's obligation to submit a closure plan to the Department of Agriculture (Department). The proposed rules provide that surety liability is triggered if an owner fails to follow an approved closure plan and does not cure noncompliance within 30 days of notice from the Department. Once surety liability is triggered, the Department sends a notice to the financial institution, which must then deposit the proceeds of the surety instrument in an account upon which the Department is authorized to draw for lagoon closure. The Department uses the proceeds to close the lagoon. Alternatively, the financial institution may assume liability for lagoon closure itself.

The Board held hearings in Chicago on October 14, 1997, and in Springfield on October 21, 1997. Nine public comments were filed with the Board. Upon publication of the proposed rules in the *Illinois Register*, a 45-day public comment period will commence. Interested persons may submit comments to the attention of the Clerk of the Board.

Any questions regarding this rulemaking may be directed to Charles King at 312/814-6926; e-mail address: cking@pcb084r1.state.il.us ♦

Board Adopts Second notice Proposal in In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations: Amendments to 35 Ill. Adm. Code 240, R98-24

On May 21, 1998, the Board voted to submit amendments to 35 Ill. Adm. Code 240, Enhanced Vehicle Inspection and Maintenance (I/M) Regulations for second notice review by the Joint Committee on Administrative Rules. The amendments are required by Sections 182(b) and (c) of the federal Clean Air Act Amendments (CAAA), (42 U.S.C. §§ 7582(b), (c) (1990)) and by the Vehicle Emissions Inspection Law, (625 ILCS 5/13B-5 (1996)). The CAAA require the use of I/M programs in areas that do not meet the National Ambient Air Quality

Standards for ozone or carbon monoxide. In Illinois, the Chicago and Metro-East St. Louis areas are classified as "severe" and "moderate" nonattainment areas for ozone. Pursuant to Section 5/13B-5 of the Vehicle Emissions Inspection Law (625 ILCS 5/13B-5 (1996)), Chicago and Metro-East St. Louis are subject to these I/M regulations. In 1994, the Board adopted the bulk of the I/M standards necessary for implementation of the I/M program (see R94-19, 18 Ill. Reg. 18228 (December 14, 1994) and R94-20, 18 Ill. Reg. 18013 (December 12, 1994)).

The adoption by the Board of these proposed amendments is authorized under Section 28.5 of the Environmental Protection Act (Act), (415 ILCS 5/28.5 (1996)). The Board found that as the federal Clean Air Act requires the Board to adopt the amendments, the amendments shall be adopted in accordance with the Section 28.5 rulemaking procedures. The Board adopted the proposal for first notice publication in the *Illinois Register* on January 22, 1998. See 22 Ill. Reg. 2720 (February 6, 1998). On March 17, 1997, the Board held one hearing on the merits of the proposal. The Board received three public filings in this proceeding.

The proposed rules contain clarifications and modifications to existing standards, and new standards for the remaining portions of the enhanced I/M testing program. More specifically, the proposed amendments replace the current evaporative system testing program (which uses a pressure test and a purge test to test the entire system's integrity) with a fuel cap only inspection. The proposed rules also add fast-pass standards to allow vehicles undergoing I/M 240 exhaust emissions tests to be tested more quickly. Further, the proposed rules add standards for the required on-road sensing test. Finally, the proposed rules add a program for on-board diagnostic testing that will become mandatory on January 1, 2001, consistent with very recent federal action. See 63 Fed. Reg. 24429 (May 4, 1998).

Please direct any questions regarding this rulemaking to Amy Muran Felton at 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts Second Notice Proposal in In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848, R98-9

On May 21, 1998, the Board adopted amendments to the MSWLF rules, 35 Ill. Adm. Code 811, 813, and 848, for second notice review by the Joint Committee on Administrative Rules. On August 11, 1997, the Illinois Environmental Protection Agency and the National Solid Waste Management Association (collectively, proponents) filed a joint proposal for amendments to 35 Ill. Adm. Code 811, 813, and 848. On August 21, 1997, the Board accepted the proposal for public comment and added 35 Ill. Adm. Code 848.104 to the proposal for public

comment. On October 27, 1997, and November 19, 1997, the Board held hearings in this matter. On February 5, 1998, the Board adopted for first notice publication in the *Illinois Register* a proposal for amendments to the Board's Municipal Solid Waste Landfill Rules, whereupon a 45-day public comment period commenced. See 22 Ill. Reg. 4240, 4247, 4255 (February 27, 1998). Three public comments were filed with the Board on the proposal.

In general, there are four reasons for the amendments as proposed by the proponents: (1) to ease certain requirements that drive up costs without commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to retain consistency between State rules and the federal Resource Conservation and Recovery Act Subtitle D program.

Please direct questions to Marie Tipsord at 312/814-4925; e-mail address: mtipsord@pcb08r41.state.il.us ♦

Board Adopts Proposal for Public Comment in In Consolidated Resource Conservation and Recovery Act and Underground Injection Control Dockets, R97-21, R98-3, R98-5

On May 21, 1998, the Board adopted a proposal for public comment in an identical-in-substance rulemaking docket entitled In the Matter of: RCRA Update, USEPA Regulations (July 1, 1996, through December 31, 1996), UIC Update, USEPA Regulations (January 1, 1997, through June 30, 1997), and RCRA Update, USEPA Regulations (January 1, 1997, through June 30, 1997).

Pursuant to Sections 13(c) and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/13(c), 22.4(a) (1996)), the Board proposed amendments that are identical in substance to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) to implement Subtitle C of the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921 *et seq.* (1996). See 61 Fed. Reg. 34521 (July 1, 1996); 61 Fed. Reg. 36419 (July 10, 1996); 61 Fed. Reg. 40520 (August 5, 1996); 61 Fed. Reg. 43927 (August 26, 1996); 61 Fed. Reg. 56631 (November 3, 1996); 61 Fed. Reg. 59931 (November 25, 1996); 62 Fed. Reg. 1678 (January 13, 1997); 62 Fed. Reg. 1834 (January 14, 1997); 62 Fed. Reg. 1991 (January 14, 1997); 62 Fed. Reg. 6621 (February 12, 1997); 62 Fed. Reg. 7502 (February 19, 1997); 62 Fed. Reg. 25998 (May 12, 1997); 62 Fed. Reg. 32452 (June 13, 1997); 62 Fed. Reg. 32974 (June 17, 1997). The Board further proposed amendments to the Illinois regulations that were identical in substance to underground injection control regulations adopted by USEPA to implement provisions of the Safe Drinking Water Act, 42 U.S.C. § 300h *et seq.* (1996). See

62 Fed. Reg. 1834 (January 14, 1997); 62 Fed. Reg. 25998 (May 12, 1997).

Upon publication of the proposal in the *Illinois Register*, a 45-day public comment period will commence during which interested persons may file public comments with the Clerk of the Board.

Any questions regarding this rulemaking may be directed to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb08r41.state.il.us ♦

Board Adopts First Notice Proposal in In the Matter of: Petition of PDV Midwest Refining, L.L.C. to 35 Ill. Adm. Code 304.213, R98-14

On May 21, 1998, the Board adopted for first notice publication in the *Illinois Register* a site-specific amendment to Section 304.213 of the Board's effluent regulations at the petition of PDV Midwest Refining, L.L.C. (PDV). This site-specific rulemaking was initiated by a petition filed by PDV on October 17, 1997. The proposal would amend the Board's effluent regulations to provide site-specific rule ammonia nitrogen standards for PDV's discharge to the Chicago Sanitary and Ship Canal. The proposal also grants PDV's request that the change in ownership from UNO-VEN to PDV be reflected. The proposal also includes a sunset provision terminating the site-specific rule on December 31, 2008.

Two hearings were held in this matter on March 6, 1998, in Joliet, Illinois, and on March 30, 1998, in Springfield, solely on the decision of the Illinois Department of Commerce and Community Affairs not to conduct an Economic Impact Study in connection with this rulemaking. No one testified at this hearing, and the Board has not received any comments regarding an Economic Impact Study concerning this matter. Upon publication of the proposal in the *Illinois Register*, a 45-day public comment period will commence. Interested persons may file public comments with the Clerk of the Board.

Any questions regarding this rulemaking may be directed to John Knittle at 312/814-3473; e-mail address: jknittle@pcb08r41.state.il.us ♦

Board Accepts for Hearing a Proposal for Rule-making in In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: 35 Ill. Adm. Code 809, R98-29

On May 21, 1998, the Board accepted for hearing the proposal of the Illinois Environmental Protection Agency (IEPA's) for amendments to 35 Ill. Adm. Code 809. The IEPA's proposal indicates that the amendments are necessary to comply with Senate Bill 378, which amended Sections 22, 22.2, and 44 of the Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.* (1996)). Senate Bill 378 requires the IEPA to implement the Uniform State Hazardous Material Transportation Registration and Permit Program. The Board anticipates scheduling at least two hearings in this proceeding in the near future. Comments regarding the proposed rulemaking may be filed with the Clerk of the Board.

Any questions regarding this rulemaking may be directed to John Knittle at 312/814-3473; e-mail address: jknittle@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

(Cont'd from p.1)

under which a primacy state/tribe or the USEPA Administrator may issue small system variances to public water systems serving less than 10,000 persons. This proposed rulemaking is intended to provide regulatory relief to all public water systems, particularly small water systems. The proposed rule would also require the primacy state/tribe to issue a proposed variance decision for USEPA review within a 90-day period. ♦

United States Environmental Protection Agency Issues Final Guidelines for Ecological Risk Assessment

On May 14, 1998, the United States Environmental Protection Agency published in final form a document entitled "Guidelines for Ecological Risk Assessment" (guidelines). 63 Fed. Reg. 26846 (May 14, 1998). The guidelines were developed as part of an interoffice program by a technical panel of the Risk Assessment Forum. The guidelines are intended to improve the quality of ecological risk assessments at USEPA while increasing the consistency of assessments among USEPA's program offices and regions. The guidelines expand upon and replace the previously-published USEPA report "Framework for Ecological Risk Assess-

ment," (February 1992), which proposed principles and technologies for the ecological risk assessment process.

To obtain a copy of the guidelines, call 513/569-7562. The guidelines are also available on the internet at: <http://www.epa.gov/ncea/> ♦

United States Environmental Protection Agency Revises Final Supplemental Environmental Projects Policy For Use in Settling Enforcement Actions

On May 5, 1998, the United States Environmental Protection Agency (USEPA) issued a revised, final USEPA Supplemental Environmental Projects (SEP) Policy (policy). 63 Fed. Reg. 24796 (May 5, 1998). The policy which applies to USEPA enforcement actions, supersedes the May 1995 Interim Revised Supplemental Environmental Projects Policy. In the final policy, USEPA refined and clarified certain sections relating to exercising its enforcement discretion to establish appropriate settlement penalties and SEP that secure environmental and public health improvements. The policy furthers USEPA's goals to protect and enhance public health and the environment by allowing a party to negotiate SEP as part of a settlement agreement with USEPA.

For further information contact: Ann Kline, 202/564-0119. ♦

United States Environmental Protection Agency Publishes Final Guidelines for Neurotoxicity Risk Assessment

On May 14, 1998, the United States Environmental Protection Agency published in final form a document entitled "Guidelines for Neurotoxicity Risk Assessment" (guidelines). 63 Fed. Reg. 26926 (May 14, 1998). The guidelines were developed as part of an interoffice guideline development program by a technical panel of the Risk Assessment Forum. The guidelines are based, in part, on recommendations derived from various scientific meetings and workshops on neurotoxicology, from public comments, and from recommendations of the Science Advisory Board. The guidelines describe the scientific basis for concern about exposure to agents that cause neurotoxicity, and outline the general process for assessing potential risk to humans because of environmental contaminants

To obtain a copy of the guidelines, call 513/569-7561. A copy can also be obtained on the internet at: <http://www.epa.gov/ncea/> ♦

United States Environmental Protection Agency Approves Two Illinois State Implementation Plan

Revisions for Controlling Volatile Organic Material from Wood Furniture Coatings Operations in Chicago and Metro-East St. Louis

On May 19, 1998, the United States Environmental Protection Agency (USEPA) approved a State Implementation Plan (SIP) revision for controlling Volatile Organic Material (VOM) from wood furniture coating operations in the Chicago and Metro-East St. Louis ozone nonattainment areas of Illinois. 63 Fed. Reg. 27489 (May 19, 1998). Illinois submitted this SIP revision request to USEPA on March 6, 1998. VOM is an air pollutant which combines with nitrogen oxides in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. The SIP revision was submitted to meet the Clean Air Act requirements for states to adopt Reasonably Available Control Technology rules for sources that are covered by Control Techniques Guideline documents. This rule-making approves, through direct final action, Illinois' SIP revision request.

In addition, on May 19, 1998, the USEPA issued a proposed rule approving an Illinois SIP revision for VOM emission control rules for wood furniture coating operations in the Chicago and Metro-East St. Louis ozone nonattainment areas. 63 Fed. Reg. 27541 (May 19, 1998). Illinois submitted this SIP revision request on March 5, 1998. USEPA is approving this SIP revision as a direct final rule because USEPA views this action as noncontroversial and anticipates no adverse comments. USEPA indicated that this direct final rule will become effective without further notice unless USEPA receives relevant adverse written comments on this proposed rule on or before June 18, 1998. Comments regarding this proposed regulation may be submitted to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The Board adopted these regulations in In the Matter of: Wood Furniture Coating: Amendments to 35 Ill. Adm. Code 211, 218, and 219, Subpart F, (January 22, 1998), R97-31. ♦

United States Environmental Protection Agency Adopts Land Disposal Restrictions for Treatment Standards for Metal-Bearing Wastes

On May 26, 1998, the United States Environmental Protection Agency (USEPA) promulgated land disposal restrictions treatment standards for metal-bearing wastes, including toxicity characteristic metal wastes, and hazardous wastes from mineral processing. 63 Fed. 28555 (May 26, 1998). The set standards being applied to these wastes are the universal treatment standards. These standards are based upon the performance of the Best Demonstrated Available technologies for treating these, or similar wastes. This rule also revises the universal treatment standards for 12 metal constituents, which means that listed and characteristic wastes containing one or more of these constituents may have to meet different standards than they current meet.

Moreover, USEPA amended the rules to define which second materials from mineral processing are considered to be wastes and potentially subject to Land Disposal Restrictions. The intended effect is to encourage safe recycling of mineral processing secondary materials by reducing regulatory obstacles to recycling, while ensuring that hazardous wastes are properly treated and disposed. USEPA also finalized a decision to retain the Toxicity Characteristic Leaching Procedure as the test for identifying the toxicity characteristics for mineral processing wastes. This final rule is effective on August 24, 1998.

The Board anticipates that these amendments will be adopted in Illinois in an identical-in-substance Resource Conservation and Recovery Act and an Underground Injection Control Update. ♦

APPELLATE UPDATE

The People of the State of Illinois, *ex rel.* Illinois Environmental Protection Agency v. Illinois Pollution Control Board and Unique Marble Products, Inc., No. 5-97-1054 (1998) (unpublished order under Illinois Supreme Court Rule 23).

Fifth District Dismisses Appeal as Untimely Filed, Holding that Motion for Board Reconsideration Must be Filed Within 35 Days of Adoption of Board Order So As to Toll the 35 Day Appeal Record to the Appellate Court.

The People of the State of Illinois *ex rel.* Illinois Environmental Protection Agency (IEPA) appealed from a decision of the Board dismissing a complaint filed by the IEPA against Unique Marble Products, Inc. (Unique) for lack of jurisdiction. The Board dismissed the complaint on the basis that the IEPA had failed to provide notice to Unique, as required by Section 26b-6 of the Environmental Protection Act (Act), of the violations alleged in the complaint. Following denial of its motion for reconsideration, IEPA filed a petition for administrative review with the appellate court. The appellate court dismissed the appeal as untimely.

The IEPA's initial complaint (PCB No. 97-64) was dismissed by the Board on August 7, 1997. On September 16, 1997, the IEPA filed a motion for reconsideration. The proof of service on the motion for reconsideration was dated September 12, 1997. Unique filed a motion to strike the motion for reconsideration as untimely. Unique argued that the motion was not filed within 35 days as Section 101.246 of the Board's procedural rules require.

The Board denied Unique's motion to strike and on November 6, 1997, denied the IEPA's motion for reconsideration on the merits. In so doing, the Board considered the question of timeliness and interpreted Section 101.246, which provides that the 35-day period is to be computed from the date of the Board order, in light of recent amendments to Section 41 of the Act. The Board determined that the 35-day period for the filing of a motion to reconsider should be computed from the date of service of the Board's order on a party, rather than from the date of the Board order itself. The IEPA thereafter appealed the Board's ruling to the appellate court.

Unique moved to dismiss the appeal as untimely, stating that the IEPA's motion for reconsideration before the Board was untimely and therefore failed to toll the time in which review could be sought with the appellate court. The court agreed and dismissed the appeal for lack of jurisdiction.

In determining that the motion for reconsideration with the Board was untimely, the court relied upon Sections 101.246 and 101.102 of the Board's procedural rules. See 35 Ill. Adm. Code 101.246 and 101.102. Section 101.246 states that, "any motion for reconsideration or modification of a final Board order shall be filed within 35 days of the adoption of the order." (emphasis added) Section 101.102 provides that "filing" occurs when a document is file stamped by the Clerk of the Board, but if the document is received after the due date, the mailing date will control.

In light of these rules, the court found the IEPA's motion for reconsideration should have been "filed" no later than 35 days after August 7, 1997, the date on which the Board order dismissing the complaint was adopted. The 35 days expired on September 11, 1997. The IEPA's motion for reconsideration was filed on September 16, 1997, with a proof of service dated September 12, 1997, one day after expiration of the 35 day period. As the motion for reconsideration was untimely, the time in which to file a petition for administrative review with the appellate court was not tolled. Therefore, the court ruled that the petition for administrative review in the appellate court was also untimely.

In reaching its decision, the court expressly rejected the Board's argument that the 35-day period did not commence until after service of the order on the person seeking a reconsideration. In rejecting this argument, the court looked to the plain meaning of Section 101.246 which states that any motion to reconsider be filed within 35 days from the adoption of the order. The court characterized the Board's order as relying upon one of its proposed rules that, if adopted, would provide for the commencement of the 35-day period after service of the order, rather than the date of adoption. The appellate court found this alleged reliance misplaced due to the fact that a proposed rule cannot be relied upon as controlling until it is actually adopted.

For these reasons, the appellate court dismissed the petition for review for lack of jurisdiction. ♦

BOARD ACTIONS 5/7/98**RULEMAKINGS**

- R98-10** In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules) 35 Ill. Adm. Code 203 - The Board granted the joint motion of the Emission Reduction Market System Coalition, the Illinois Environmental Protection Agency, and the Illinois Environmental Regulatory Group to reconsider the Board opinion of March 5, 1998, and modified it by deletion of footnote 6. 7-0
- R98-16** In the Matter of: Petition of W.R. Grace & Company - Connecticut, and the Illinois Environmental Protection Agency for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h) - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rule-making to amend the Board's air pollution control regulations. 7-0

ADJUSTED STANDARDS

- AS 97-5** In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F - The Board granted an adjusted standard, with conditions, from 35 Ill. Adm. Code 215.204(j)(2), which limits the amount of volatile organic material (VOM) that may be contained in coatings. This order amends and supplements the Board's interim order of December 19, 1996. 7-0
- AS 97-11** In the Matter of: Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - The Board granted petitioner's motion to dismiss this request for an adjusted standard. 7-0
- AS 98-5** In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 - The Board denied petitioner's request for an **adjusted standard, finding it duplicitous of relief** previously granted in AS 95-4. 7-0

ADMINISTRATIVE CITATIONS

- AC 98-8** County of Will v. William Hunter - The Board entered an interim opinion and order finding that respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(3) (1996)) and assessing a penalty of \$1,000. The Board ordered the Clerk of the Board and the County to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. 7-0

ADMINISTRATIVE CITATIONS (CONT'D)

AC 98-21	<u>County of Jackson v. Randy McBride</u> - The Board entered an order dismissing this administrative citation for failure to perfect service within 60 days of the date of the observed violation.	7-0
AC 98-23	<u>IEPA v. Pike County Landfill, Inc.</u> - The Board entered an order finding that this Pike County respondent violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (1996)) and ordered it to pay a civil penalty of \$1,000.	7-0
AC 98-24	<u>IEPA v. City of Mound City</u> - The Board entered an order finding that this Pulaski County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered it to pay a civil penalty of \$500.	7-0

ADJUDICATORY CASESDecisions

PCB 97-52	<u>People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc.</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this RCRA enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations.	7-0
PCB 98-98	<u>Environmentally Concerned Citizens Organization (ECCO) and Beth Finney v. Landfill L.L.C., d/b/a or a/ka West End Disposal Facility and The Saline County Board of Commissioners</u> - The Board affirmed the decision of the Saline County Board of Commissioners which approved the siting for a regional pollution control facility owned by Landfill L.L.C. d/b/a or a/k/a West End Disposal Facility.	7-0

Provisional Variances

PCB 98-152	<u>City of Kewanee v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Condition No. 12 of its NPDES Permit No. IL0029343 and in 35 Ill. Adm. Code 305.102(b) and 304.141.	6-0 Hennessey abstained
------------	--	-------------------------------

Motions and Other Matters

PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - The Board granted respondents' motion for extension of time in part, and found complainant's motion for default moot.	7-0
------------	--	-----

PCB 96-76	<u>People of the State of Illinois v. Chemetco, Inc.</u> - The Board granted complainant's motion to amend the complaint.	7-0
PCB 97-133	<u>People of the State of Illinois v. Douglas Furniture of California, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0
PCB 97-140	<u>North Shore Sanitary District v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this permit appeal involving a Lake County facility.	7-0
PCB 97-186	<u>Elouisa Farrales v. Office of the State Fire Marshal</u> - The Board granted respondent's motion for summary judgment in this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 97-195	<u>W.R. Meadows, Inc. v. IEPA</u> - The Board granted petitioner's motion for summary judgment in part and ordered this matter to proceed to hearing concerning the remaining permit denial issues.	7-0
PCB 98-22	<u>Village of Matteson v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility.	7-0
PCB 98-93	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District</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 against a DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0 Hennessey abstained
PCB 98-110	<u>Phillips 66 Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Will County facility.	7-0

Motions and Other Matters (Cont'd)

PCB 98-111	<u>County of Boone, and the City of Belvidere v. IEPA</u> - The Board granted petitioners' attorney's motion to appear <i>pro hac vice</i> and accepted this appeal of a land permit on behalf of a Boone County facility for hearing.	7-0
PCB 98-115	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this underground storage tank appeal on behalf of a Boone County facility for hearing.	7-0

PCB 98-123	<u>People of the State of Illinois v. Gilster Mary Lee 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 against a Randolph County facility, the Board ordered publication of the required newspaper notice.	6-0 Hennessey abstained
PCB 98-142	<u>Coastal Mart, 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 a Massac County facility.	7-0
PCB 98-143	<u>Accurate Perforating 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 a Cook County facility.	7-0
PCB 98-146	<u>Donald Hoing, d/b/a Don's Service v. Office of the State Fire Marshal</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Hancock County facility.	7-0
PCB 98-149	<u>North Shore Sanitary District v. IEPA</u> - The Board denied petitioner's request for a 90-Day Extension of appeal but accepted petitioner's letter requesting an extension of the 35-day time period as a petition for review, ordering petitioner to file an amended petition or the action would be subject to dismissal.	7-0
PCB 98-150	<u>Country Care Centers 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 a Christian County facility.	7-0
PCB 98-151	<u>John Boos & 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 an Effingham County facility.	7-0

BOARD ACTIONS 5/22/98**RULEMAKINGS**

R97-15(B)	<u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506 - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in this proposed rulemaking to amend the financial assurance provisions of the Board's livestock waste regulations.</u>	7-0
R97-21	<u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1996 through December 31, 1996); In the Matter of: UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - Proposal for Public Comment, Opinion and Order of the Board. The Board adopted a proposal for public comment, in this "identical-in substance" rulemaking, to amend the Board's hazardous waste disposal regulations.</u>	7-0
R98-3		
R98-5		
R98-9	<u>In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848 - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's solid waste disposal regulations.</u>	7-0
R98-14	<u>In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213 - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in this proposed rulemaking to amend the Board's water pollution control regulations.</u>	6-0 Hennessey abstained
R98-24	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations: Amendments to 35 Ill. Adm. Code 240 - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's air pollution control regulations.</u>	7-0
R98-29	<u>In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend Parts 729, 808, 809, and 811 of the Board's special waste hauling regulations and struck the proposal to amend Part 855.</u>	7-0

ADJUSTED STANDARDS

AS 97-6	<u>In the Matter of: Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.313, Water Quality Standards Relating to Ammonia</u> - The Board granted petitioner's motion withdrawal of this request for an adjusted standard involving a Madison County facility.	6-0 Hennessey abstained
----------------	---	-------------------------------

ADMINISTRATIVE CITATIONS

AC 98-19	<u>County of Jackson v. Gary Easton</u> - The Board entered an order finding that this Jackson County respondent violated Sections 21(p)(1), (p)(2), and (p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(2), (p)(5)(1996)) and ordered it to pay a civil penalty of \$1,500.	7-0
AC 98-20	<u>County of Jackson v. Gary Easton</u> - The Board entered an order finding that this Jackson County respondent violated Sections 21(p)(1), (p)(2), and (p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(2), (p)(5)(1996)) and ordered it to pay a civil penalty of \$1,500.	7-0
AC 98-27	<u>IEPA v. Chris Thompson</u> - The Board entered an order dismissing this administrative citation against a Rock Island County respondent for failure to perfect service within 60 days of the date of the observed violation.	7-0

ADJUDICATORY CASESDecisions

PCB 95-91	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., and Waste Hauling, Inc.; and Waste Hauling Landfill, Inc. and Waste Hauling, Inc. as Cross-claimants v. Bell Sports, Inc.</u> - The Board entered an order in this Resource Conservation and Recovery Act enforcement action involving a facility in Macon County, finding respondent Waste Hauling Landfill, Inc., in violation of several sections of the Environmental Protection Act and the Board's pollution control regulations, ordered the payment of a civil penalty of \$472,000 and \$18,535 in attorney costs and fees to the Attorney General's Office, and to cease and desist from further violations. The cross-complaint was dismissed.	7-0
PCB 97-116	<u>People of the State of Illinois v. Dixon-Marquette Cement, Inc.</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a Lee County facility, ordered respondent to pay a civil penalty of \$40,000, and to cease and desist from further violations.	6-0 Hennessey abstained

Decisions (Cont'd)

- PCB 97-133** People of the State of Illinois v Douglas Furniture of California - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Cook County facility, and ordered respondent to pay a civil penalty of \$43,000 and to cease and desist from further violations. 7-0
- PCB 98-127** People of the State of Illinois v. Horsehead Resource Development Company, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement action involving a Cook County facility, and ordered respondent to pay a civil penalty of \$7,500 and to cease and desist from further violations. 7-0
- PCB 98-129** People of the State of Illinois v. Heartland Pork Enterprises, Inc. The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving an Edgar County facility, and ordered respondent to pay a civil penalty of \$12,500 and to cease and desist from further violations. 6-0
Hennessey
abstained

Provisional Variances

- PCB 98-158** Illinois Department of Transportation, (I-57 Rest Area, Iroquois County) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Iroquois County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge limits for five-day carbonaceous biochemical oxygen demand, total suspended solids and five-day biochemical oxygen demand, as set forth in National Pollutant Discharge Elimination System Permit No. IL0055387 and in 35 Ill. Adm. Code 304.120(c) and 304.141(a). 6-0
Hennessey
abstained

Motions and Other Matters

- PCB 97-8** People of the State of Illinois v. Cyberamerica Corporation, f/k/a Canton Industrial Corporation - The Board denied complainant's motion for modification of its February 5, 1998, order concerning this Fulton County respondent. 7-0
- PCB 97-183** Trust Number 5439, by its Trustee, The Amalgamated Trust and Savings Bank v. Shell Oil Company - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility. 7-0

Motions and Other Matters (Cont'd)

PCB 98-114	<u>David Mulvain, individually, as a Resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand</u> - The Board dismissed the Illinois Environmental Protection Agency and Rockford Blacktop Construction from this action, denied the complainant's motion to amend the complaint, and ordered this matter to proceed to hearing against the Village of Durand in Winnebago County.	6-0 Hennessey abstained
PCB 98-118	<u>Jack Donelson Sales Company v. IEPA</u> - In this appeal of a underground storage tank decision involving a Lake County facility, the Board declined to allow a non-attorney, to represent the petitioner, but granted petitioner 30 days in which to retain an attorney, and to file an amended petition or the action would be subject to dismissal.	5-2 Girard and Meyer dissented
PCB 98-124	<u>Illinois State Toll Highway Authority (Hinsdale-East Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-125	<u>Illinois State Toll Highway Authority (Lincoln-East Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0
PCB 98-149	<u>North Shore Sanitary District v. IEPA</u> - The Board accepted for hearing this land permit appeal involving a Lake County facility.	7-0
PCB 98-153	<u>People of the State of Illinois v. City of Sparta</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 against a Randolph County facility, the Board ordered publication of the required newspaper notice.	6-0 Hennessey abstained
PCB 98-155	<u>Leyden High Schools 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 a Cook County facility.	7-0
PCB 98-156	<u>Dick's Phillips 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 a DuPage County facility.	7-0

Motions and Other Matters (Cont'd)

PCB 98-157 Illinois State Toll Highway Authority v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Boone County facility. 7-0

NEW CASES 5/7/98

98-142 Coastal Mart, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Massac County facility.

98-143 Accurate Perforating 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 a Cook County facility.

98-144 People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton, d/b/a Shadow Lakes Resort - The Board accepted for hearing this water enforcement action against a Will County facility.

98-145 People of the State of Illinois v. Bodine Electric Company - Hearing Mandatory - The Board accepted for hearing this air enforcement action against a Cook County facility.

98-146 Donald Hoing, d/b/a Don's Service v. Office of the State Fire Marshal - The Board accepted for hearing this appeal of an underground storage tank decision involving a Hancock County facility.

98-147 Jake Seabury v. IEPA - Awaiting Illinois Environmental Protection Agency response. No action taken.

98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc., a/k/a Briggs Plumbing Products, Inc. - The Board accepted this land enforcement action against a Knox County facility for hearing.

98-149 North Shore Sanitary District v. IEPA - The Board denied petitioner's request for a 90-day extension of appeal and accepted petitioner's letter requesting an extension of the 35-day time period as a petition for review.

98-150 Country Care Centers v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Christian County facility.

98-151 John Boos & 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 an Effingham County facility.

AC 98-26 IEPA v. Jay Greer - The Board accepted an administrative citation against this Madison County respondent.

AC 98-27 IEPA v. Chris Thompson - The Board accepted an administrative citation against this Rock Island County respondent.

AC 98-28 County of Will v. Richard and Kim Gates - The Board accepted an administrative citation against these Will County respondents.

AS 98-7 In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705 - The Board acknowledged receipt of this petition for a adjusted standard from certain requirements on behalf of a St. Clair County facility and held it pending receipt of publication.

NEW CASES 5/21/98

98-124 Illinois State Toll Highway Authority v. IEPA - Illinois State Toll Highway Authority (Hinsdale-East Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-125 Illinois State Toll Highway Authority (Lincoln-East Oasis) v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.

98-153 People of the State of Illinois v. City of Sparta - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Randolph County facility, the Board ordered publication of the required newspaper notice. Board Member K.M. Hennessey abstained.

98-154 People of the State of Illinois v. P & H Manufacturing Company - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against a Shelby County facility.

98-155 Leyden High Schools v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

98-156 Dick's Phillips 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 a DuPage County facility.

98-157 Illinois State Toll Highway Authority v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Boone County facility.

98-158 Illinois Department of Transportation, (I-57 Rest Area, Iroquois County) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Iroquois County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge limits for five-day carbonaceous biochemical oxygen demand, total suspended solids and five-day biochemical oxygen demand, as set forth in National Pollutant Discharge Elimination System Permit No. IL0055387 and in 35 Ill. Adm. Code 304.120(c) and 304.141(a). Board Member K.M. Hennessey abstained.

AC 98-29 IEPA v. Steve Gill, d/b/a A Better Estimate Tree Service - The Board accepted an administrative citation against this Peoria County respondent.

AC 98-30 Montgomery County v. Envotech-Illinois, Inc. - The Board accepted an administrative citation against this Montgomery County respondent.

AC 98-31 Montgomery County v. Robert M. Fleming - The Board accepted an administrative citation against this Montgomery County respondent.

R98-29 In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - The Board granted the Illinois Environmental Protection Agency's (IEPA's) motion regarding incorporation by reference and accepted for hearing the IEPA's proposal to amend the Board's special waste hauling regulations.

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
6/3/98 11:00am	PCB 97-174	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u>	Department of Human Services, 407 North Franklin Street, Conference Room, Suite A, Danville, IL
6/3/98 2:00pm	R 98-17	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998)</u>	James R. Thompson Center, 100 West Randolph Street, Room 9-034, Chicago, IL
6/4/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
6/10/98 10:00am	R 97-16	<u>In the Matter of: Proportionate Share Liability</u>	County Building, County Board Chambers, 200 South 9 th Street, 2 nd Floor, Springfield, IL
6/15/98 1:30pm	AS 94-18	<u>In the Matter of: Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code 218</u>	James R. Thompson Center, 100 West Randolph Street, Room 8-032, Chicago, IL
6/18/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
7/9/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
7/23/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL

ILLINOIS POLLUTION CONTROL BOARD MEETING DATES

The following are regularly scheduled meetings of the Illinois Pollution Control Board.

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1998*

May 7	August 6 †	November 5
May 21	August 20	November 19
June 4	September 3	December 3
June 18	September 17	December 17
July 9	October 1	
July 23	October 15	

* All Chicago Board Meetings will be held at 10:30 a.m. in Conference Room 9-040.

† The August 6, 1998, Board Meeting will be held in Springfield.

The Illinois Pollution Control Board (IPCB) is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

	Claire A. Manning, Chairman Springfield	
Ronald C. Flemal DeKalb	G. Tanner Girard Grafton	Kathleen M. Hennessey Western Springs
Marili McFawn Inverness	J. Theodore Meyer Chicago	Joseph Yi Park Ridge

The *Environmental Register* is a newsletter published by the IPCB monthly, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information of interest to the People of the State of Illinois.

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

Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
(217)524-8500

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