

March 2004



Vol. 44, No. 1

# Lake Michigan States Section Air & Waste Management Association Newsletter<sup>®</sup>



## 2004 Annual Section Membership Luncheon Meeting

### April 23, 2004

**Athena's Restaurant  
Chicago, Illinois  
11:45 a.m.**

This luncheon meeting is a favorite event of Lake Michigan States Section members and always an enjoyable time for attendees. It offers a chance to hear what A&WMA, as a national organization, is planning, to meet and exchange ideas with other environmental professionals and hear who will be serving on the Lake Michigan States Section Board of Directors for the upcoming term.

**Cost:** \$40 members  
\$60 non-members

*We will again offer the "Introduce a fellow environmental professional to our organization" at a rate of \$45 for guests of members.*

**To register:** contact Robin Pelsis at (847) 202-0418 or  
[lm\\_awma@ameritech.net](mailto:lm_awma@ameritech.net).

**Information on all upcoming LM-A&WMA  
conferences can be found on our website at  
[www.lmawma.org](http://www.lmawma.org).**



## New Members

**Mike Cieslewicz**  
Berlin Industries

**Edward Cooney**  
E. Cooney Associations, Inc.

**Dennis Cote**  
RR Donnelley & Sons Co.

**Joe DiMatteo**  
US DOE

**Aludia Hernandez**  
Chase Products Co.

**Christopher Hooker**  
Weaver Boos Consultants

**Todd Jennings**  
ExxonMobil

**Matthew Kittell**  
MEGTEC Systems

**Donna Klafka**  
Littel Fuse

**Brian Koziczkowski**  
Environmental Resources  
Management, Inc.

**Jim Lynch**  
Akzo Nobel Surface Chemistry LLC

**Corazon Mata**  
Earth Tech

*Continued on page 11.*

## Call for Volunteers

The LM-A&WMA Section is seeking *volunteers* to participate in the following activities:

**Environmental Authors:** Our LM-A&WMA Board Secretary, James Harrington, is always looking for talented writers to contribute articles on current environmental issues to the quarterly Lake Michigan States Section Newsletter. If you have interesting information to share from industry, government, academia or consulting, please contact **Jim Harrington** at 312-750-8619 or [jharrington@mcguirewoods.com](mailto:jharrington@mcguirewoods.com).

**Open Board Meetings:** If you are an interested LM-A&WMA member and would like to become more active or if you would like to present an issue or idea to our Board, come and attend one of our open Board meetings. Contact LM-A&WMA's Admin, **Robin Pelsis**, at 847-202-0418 to find the date and location of the next Board meeting or to be placed on the meeting agenda.

**Advisory Committee:** Our Section formed an Advisory Committee for our members who are interested in being actively involved with the A&WMA Board and its conference planning activities. If you have such an interest, please contact our LM-A&WMA Board Chair, **Diana Jagiella**, at 309-999-6309.

## AUDIO + WEB CONFERENCE

### Batch Process HAP Emissions Calculations for MACT Compliance

This audio + web conference will focus on the new U.S. EPA Emission Inventory Improvement Program (E.I.I.P.) Guidance Document for the Chemical Industry. The E.I.I.P. Guidance Document revises and extends the batch process emission calculation methodologies in the 1978 Pharmaceutical CTG and the 1994 "Batch ACT." The conference will familiarize participants with the E.I.I.P. program and new models and calculations that have been incorporated. The material will be particularly relevant to batch chemical industry participants involved in developing process vent compliance strategies for the Miscellaneous Organics NESHAP and other MACT standards. A case study example will be presented.

#### Presenters:

- **Dennis Beauregard**, Emissions Inventory Branch, U.S. EPA Office of Air Quality Planning and Standards
- **Michael Dixon**, Dixon Environmental
- **Allen Hatfield**, Mitchell Scientific
- **Randy McDonald**, Emissions Standards Division, U.S. EPA Office of Air Quality Planning and Standards

This conference will be of particular benefit to batch chemical manufacturers that are major sources of HAP emissions and are required to estimate HAP emissions in accordance with EPA's MACT equations in order to demonstrate compliance. In addition, it will appeal to agency representatives who may be called on to advise industry throughout the MACT compliance implementation period, and also review submissions and compliance reports. Consultants employed by these batch manufacturers would also benefit from participation. More detailed information is available at <http://www.awma.org/events/WebConfs/BatchProcess.asp>

**When:** March 15, 2004, 1:00 - 3:00 p.m. Central Time

**Where:** ITT Stuart Graduate School of Business  
565 West Adams St. Room 490  
Chicago, Illinois

**Registration:** \$40.00 for members, \$85.00 for non-members; and \$20.00 students. (*Non-member registrants will receive a one-year local membership with the Lake Michigan States Section*)

To register, contact Robin Pelsis at (847) 202-0418 or [lm\\_awma@ameritech.net](mailto:lm_awma@ameritech.net).

**Space is limited, so register early!**

# A&WMA'S 97th ANNUAL CONFERENCE & EXHIBITION

## SUSTAINABLE DEVELOPMENT: GEARING UP FOR THE CHALLENGE!

June 22-25, 2004  
Indiana Convention Center  
Indianapolis, Indiana



### Technical and Educational Sessions

With more than 150 sessions, the 2004 Technical Program has been structured to meet the ever-expanding needs of today's environmental professional. Join lively discussions on highly topical subjects that may dictate where our industry is headed in the future. And bring yourself up-to-date on all of the key technical areas that researchers and other environmental professionals must know. Advance your career by attending one or more of the 19 professional development courses available. Log on to [www.awma.org/ACE2004](http://www.awma.org/ACE2004) for the most current program information.

### Keynote Speaker

Hear from and interact with a remarkable lineup of environmental industry experts during this year's keynote program. James E. Rogers, Chairman, President, and Chief Executive Officer of Cinergy Corporation, will kick off the program and share his views on this year's theme: Sustainable Development: Gearing Up for the Challenge! The keynote address will be followed by a group of distinguished panelists who will further explore this critical issue.

### Networking

Expand your professional network and make lasting connections with colleagues from around the world during the Grand Reception, special

luncheons and presentations, coffee and lunch breaks, and a variety of social programs.

### Exhibition

Find solutions to the problems you deal with daily at one of the largest environmental exhibitions of the year, including the 2004 Environmental Technology & Business Theater and Government Pavilion.

### Continuing Education Credit Opportunities for Conference Participation

Conference attendees may be eligible for continuing education credit (e.g., PDHs, CLEs) based upon their participation in conference events. A&WMA has been granted exempt status approval to be a Florida Board of Professional Engineers Continuing Education Provider (Exempt Provider # EXP 00079), and is an Accredited Provider of CLE in Pennsylvania (Provider # 947). Please check the A&WMA Web site for additional continuing education credit information and updates.

### Special Offers

**Save up to \$155** by registering before the March 15, 2004, Early Bird deadline. **Receive one full year of A&WMA membership** when you register for the Annual Conference at the full/value nonmember rate. Simply check the "Yes!" box on the registration form to take advantage of this incredible offer and begin experiencing the benefits of

membership today. **NEW!** Pre-order your **conference proceedings on CD-ROM** for additional savings.

### Going for the Green

Driven by this year's conference theme, the Local Host Committee in Indianapolis has committed to "Going for the Green!" In this case, "Green" means reducing conference-related waste generation, reusing suitable items, recycling, purchasing environmentally preferable products, and conserving energy!

### STUDENT PAPER/ POSTER CONTEST

#### Abstract Deadline Extended to March 19!

Students are invited to participate in the annual student paper/poster contest. All subjects related to air and waste issues are welcome. Abstracts for student papers are due on **March 19, 2004**. Final papers for accepted abstracts are due on **May 7, 2004**. Prizes of \$500, \$300, and \$200 will be awarded in each of three categories: Undergraduate, Masters, and Doctoral. New to this year's annual student paper/poster contest are additional prizes of \$500, \$300, or \$200 that will be awarded to three paper/poster contestants whose research specifically pertains to sustainable development or pollution prevention topics.

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# TECHNICAL TOOLS FOR AIR EMISSION MANAGEMENT

On February 13, 2004 the Lake Michigan States Section hosted a half-day specialty conference on “Technical Tools for Air Emission Management.” Despite the specter of Friday the 13<sup>th</sup>, the conference was executed successfully, and provided a large group of environmental professionals with important information on the technical aspects of measuring and monitoring air emissions.

The program began with a review of regulatory issues driving emission measurement programs today. Kevin Mattinson of IEPA provided his perspective on issues important to his agency when a facility is planning and executing an emission testing program. Bruce Varner from USEPA reviewed the issues surrounding obtaining approval for alternative measurement methods in the MACT program, and related program issues.



*Kevin Mattinson, IEPA enlightened the conference participants on meeting IEPA's requirements.*

The conference then focused on a wealth of technical issues associated with emission measurement and monitoring. Experts on emission testing described practical considerations for measuring combustion by-products and VOC, as well as laboratory issues including requirements for speciation of VOCs and measuring “emissions” by means of analysis of materials. A monitoring panel discussed alternative CEM systems as well as PEM systems that provide an alternative to CEMs in some applications. In addition, a discussion was provided on the emerging issue of how to account for measurement uncertainty in interpreting emissions data. (This latter topic had been a recent focus of a two-day AWMA-sponsored specialty conference in Houston, and we were happy to provide a local opportunity for this discussion to our Section members.)



*Scott Evans, Clean Air Engineering, enlightened the audience on what constitutes “Compliance”.*

In addition to the extensive information provided by our speakers, four organizations exhibited their products and services at the conference, providing attendees with a wider range of information on emission measurement issues and hands-on access to some of the available technology.

In addition to the timely technical content, the Lake Michigan States Section was pleased to provide assistance to Illinois Professional Engineers who need to accumulate and document Professional Development Hours (PDHs) as a condition of renewal for the PE license. The PDH requirement is new to the State of Illinois, but we believe most or all of our programs will help fill this requirement. The State has declined to provide advance approval for programs from *any organization*, including The Lake Michigan States Section. However, the Section has begun providing certificates of attendance that we hope will help PEs document their professional development activities.

# TECHNICAL TOOLS

The Section would like to thank our speakers and exhibitors for providing valuable information that our members can put to immediate use in the rapidly changing area of air emission management. In case you missed the program but are interested in what went on, conference presentations can be found on the Section web site at [www.lmawma.org](http://www.lmawma.org).



*Mike Bounama, Pavilion Technologies updates the attendees on Emissions Monitoring of PEMs.*



*Exhibit Area*



Lake Michigan States Section of the Air & Waste Management Association thanks the following companies for being an **Exhibitor** or **Sponsor** at the February Air Emissions Management Seminar.

## EXHIBITORS



**HORIBA 50 years**  
Explore the future - 2003



## CORPORATE SPONSOR:



# INSIGHTS INTO RCRA

IEPA ♦ CICI ♦ AWMA ♦ CECI  
present a full-day conference on:

## “Insights into RCRA”

Wednesday, April 14, 2004  
7:45 a.m. to 4:15 p.m.

On April 14, the Illinois Environmental Protection Agency (IEPA), the Chemical Industry Council of Illinois (CICI), the Consulting Engineering Council of Illinois (CECI) and the Air and Waste Management Association (AWMA) are jointly sponsoring and presenting a **one-time** conference on RCRA.

RCRA is typically associated with the federal program which regulates the management of hazardous wastes. Much of this program is delegated to the states; thus USEPA and Illinois EPA work together to implement this program in Illinois. This conference will provide you with insights into the RCRA program from key decision-making people from these agencies along with insights from members of the regulated community.

In addition to hearing from key IEPA and USEPA decision makers, a substantial amount of time will be devoted to panel discussions of the topics and discussing questions from the audience.

### The proposed program and schedule are as follows:

7:45 – 8:30 a.m.	<b>Registration</b>	1:30 – 2:30 p.m.	<b>RCRA Corrective Action and Remediation Program – Clean up strategies</b>
8:30 – 8:45 a.m.	<b>Introduction</b>		a. Use of TACO
8:45 – 10:45 a.m.	<b>USEPA RCRA Developments – “The Word from Above”</b>		b. Environmental Indicators
	a. Current USEPA role in overseeing state program		c. Next Set of Goals
	b. Corrective Action		d. Case Study
	c. Use of Environmental Indicators		e. RCRA Brownfields - Making Things Better
	d. Use of state standards in USEPA cleanup actions		1. Changes to improve development of RCRA Sites
	e. Enforcement Direction		2. Case Study
	f. Impact of headquarters streamlining programs		
10:45 – 11:00 a.m.	<b>Break</b>	2:30 – 2:45 p.m.	<b>Break</b>
11:00 – 12:00 p.m.	<b>IEPA’s RCRA Permitting Program – How Things Work</b>	2:45 – 3:45 p.m.	<b>Illinois EPA Developments – Compliance and Beyond</b>
	a. Proposed Improvements		a. Implication of new definition of solid waste
	b. Importance of Renewals		1. Changes in permitting
	c. RAPPs		2. Waste Handling Accumulation
	d. Used oil		3. Entry into RCRA
	e. Declassification/delisting		b. EIs: Do they have impact on IEPA decision making
12:00 – 1:30 p.m.	<b>Lunch - “RCRA/Brownfields Private/Public Partnerships”</b>		c. Hot Topics – potential new proposals
		3:45 – 4:15 p.m.	<b>Wrap-up</b>

# INSIGHTS INTO RCRA

## About some of the Presenters

This conference will provide RCRA information directly from the key IEPA and USEPA decision makers implementing the program. In addition, RCRA practitioners from industry, environmental consulting, and the legal field will address and pose questions related to actual implementation issues. Some of the presenters include:

- ◆ Gerry Phillips, Corrective Action Program Manager, USEPA Region V
- ◆ Joyce Munie, Manager of Permit Section, IEPA Bureau of Land
- ◆ Jim Moore, Manager of the Corrective Action Unit, IEPA Bureau of Land
- ◆ Terri Blake Myers, Manager of RCRA Groundwater Assistance Unit, IEPA Bureau of Land
- ◆ Steve Colantino, Manager of the Office of Brownfields Assistance, IEPA Bureau of Land
- ◆ Jeff Wentz, Michael Baker Jr., Inc.

David Rieser, McGuireWoods

## Program Details

**Date:** Wednesday, April 14, 2004

**Location:** Holiday Inn Select Hotel & Conference Center  
1801 N. Naper Blvd.  
Naperville, IL  
630/505-4900

**Time:** 7:45 a.m. Registration/Breakfast  
8:30 a.m. – 4:15 p.m. Program

**Cost:** \$175

**Program Chairs:** Joyce Munie, IEPA  
Jeff Wentz, Michael Baker Jr., Inc.  
Mark Biel, CICI  
David Rieser, McGuireWoods  
Mike Reese, Boelter & Yates, Inc.

**Registration Deadline:** April 9, 2004

**Cost:** \$175 Make checks payable to CICI

Attendee Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

Please mail your registration and payment to CICI:

Chemical Industry Council of Illinois (CICI)  
2250 E. Devon, Ste. 239  
Des Plaines, IL 60018

Or fax this form to 847/544-5999

Payment Enclosed \_\_\_\_\_

Visa \_\_\_\_\_ Mastercard \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Account  
Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

Authorization Code (for CICI use)  
\_\_\_\_\_

# FACILITY INVENTORY AND DIAGRAM FOR SPCC

Part 2 in a Series on Spill Prevention Control and Countermeasure Plans

Prepared By: *William K. Graham, P.E., Compliance Partners*

By August 17, 2004, facilities need to have in place a Spill Prevention Control and Countermeasure Plan under 40 CFR 112 or be able to document non-applicability of the regulation to facility operations. Oil storage capacity of >1320 gallons at any time during the year is sufficient to trigger applicability. A first step, even for those who have an SPCC, is to perform a facility inventory of oil storage capacity and prepare a facility diagram showing all locations where oil is managed.

The facility inventory is needed to:

1. document a determination that the facility does not need an SPCC (less than 1320 gallons of oil stored). Maintain this determination at the facility; or
2. identify and locate all containers and activities subject to SPCC requirements and prepare a scope to update or prepare the SPCC Plan.
3. facilitate amendment of the SPCC for changes to containers, piping, secondary containment, products, or O&M procedures (40CFR112.5);
4. It also is useful for facilities complying with DOT Site Security Plans, 49 CFR 172.800, effective 9/23/2003.

Containers and appurtenances need to be inventoried and located on a facility diagram; requirements vary under SPCC regulations as noted below. In each case a determination needs to be made if a stored material ever falls within the broad SPCC definition of oil.<sup>1</sup>

Exempt Containers (shell capacity < 55 gallons). These are exempt from SPCC regulation and do not need to be considered in calculating the total oil managed on-site or for SPCC containment and inspection requirements. Piping and loading areas to fill such containers are not exempt; dedicated receiving and shipping locations may be exempt. Such containers should be documented if the facility needs to comply with regulatory requirements under Coast Guard (DOT), Used Oil or Hazardous Waste regulations, Spill Plans to avoid discharge of oil to POTW's, storm water pollution prevention plans (SWPPP) or fire prevention regulations.

Bulk Containers (shell capacity > or = 55 gallons). Identify and show on the facility diagram all locations where bulk containers of oil are received, stored, used or staged, even if temporarily. Include oil bulk containers: mobile, above-ground, partially-buried or bunkered tanks, drums, totes, and completely-buried tanks that are not exempt UST's. Note number and type, contents, shell capacities, materials of con-

struction, condition, secondary containment, loading areas, and related piping. Note any bulk container that is permanently closed (i.e. cleaned and blocked in with signage). Bulk containers are subject to SPCC regulations for secondary containment, inspection, integrity testing, spill response, security and plan amendment. Shell capacity of empty drums and totes need not be included in the total oil managed on-site.

Loading Areas. Loading areas used to receive, transfer or export oil are subject to SPCC secondary containment, routine inspections, integrity testing, and spill response. Locate each on the facility diagram and describe activities and features at the loading area.

Piping. Piping, supports and appurtenances used to convey oil at the facility are subject to SPCC routine inspection, integrity testing and spill response. Locate on the facility diagram buried and above-ground piping and note dimensions and construction materials.

Underground Storage Tanks (regulated as UST, Part 280, 281). UST's, connected underground piping, underground ancillary systems and containment are exempt if regulated as UST's under 40 CFR 280/281. These should be located and marked as

*Continued on page 10.*

# ENVIRONMENTAL VIOLATIONS MAY KEEP COMPANIES FROM DOING BUSINESS WITH THE STATE OF ILLINOIS

The Illinois General Assembly recently amended the Illinois Procurement Code to add a debarment provision for persons who are found to have committed a willful or knowing violation of the Illinois Environmental Protection Act (the “Act”). Public Act 93-0575 (**effective** January 1, 2004). The provision provides as follows:

Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of Section 42 of the Environmental Protection Act shall do business with the State of Illinois or any State agency from the date of the order containing the finding of violation until five years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.

30 ILCS 500/50-12(a). The provision will be self enforcing. The new provision requires that:

Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the bidder or contractor is not barred from being awarded a contract under this Section and that

the contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (c) is false.

30 ILCS 500/50-12(c). After January 1, 2004, persons or businesses found to have committed willful or knowing violations of the Act will join others the State has in the past barred from contracting with the State, such as those convicted of bribery and other felonies (and those that owe the State money!).

This new provision is troubling given the manner in which the courts and the Pollution Control Board have interpreted “willful or knowing” within the context of an environmental violation. A willful or knowing violation of an environmental requirement is not necessarily a crime. The Courts have said a person knowingly violates an environmental requirement when the individual acts knowingly whether or not the person appreciates that the action will be in violation of the law. *See Kampen v. Dept. of Transportation*, 103 Ill. Dec. 884, 502 N.E.2d 31 (2nd Dist. 1986) (interpreting a provision of the Illinois Hazardous Materials Transportation Act). In addition, the Illinois Pollution Control Board has said that a

person commits a knowing violation of the Act if the violation continues after the person has been notified. *See, e.g., People v. Panhandle Eastern Pipe Line Company*, PCB 99-191 (November 15, 2001) (where the Board found that Panhandle had committed a repeat and knowing violation of the Act by failing to obtain a permit and to install controls immediately after learning of a possible violation even though the company had applied for the permit and was waiting for the IEPA to act before proceeding).

The Board’s cases have been in the context of Section 42(f) of the Act, which allows the Board or a court to award the State’s attorney or the Attorney General attorneys’ fees and costs from a person proven to have committed a willful, knowing or repeated violation of the Act. 415 ILCS 5/42(f). Whether the Board and the courts will use a different analysis now that the consequences of a finding that a person committed a willful or knowing violation of the Act are more severe is unclear.

The new debarment provision is also likely to raise several issues based on how it is written. The

*Continued on page 11.*

## FACILITY INVENTORY (continued from page 8)

exempt on the facility diagram. If deferred or not regulated under 280/281, USTs are included in the SPCC.

Electrical, Operating or Manufacturing Equipment (capacity > 55 gallons). Identify equipment using oil with shell capacity = or > 55 gallons and include in the calculation of total oil managed on site. Equipment does not require secondary containment or integrity tests, but does require inspection and spill response. Ancillary oil containers are subject to SPCC requirements for bulk containers, including containment.

Motor Vehicles. Employee and contractor motor vehicles that contain fuel and lube oils, but are not tanker vehicles storing or hauling oil, do not contribute to the total oil managed on site. Visiting contractor vehicles, tanker trucks and tank cars while loading or unloading are subject to SPCC requirements at any temporary or permanent facility loading station. Mobile bulk containers in routine on-site use, tanker trucks and tank cars staged at the location during operations should be included in the total of oil managed on site, as well as SPCC requirements for bulk containers.

Wastewater Treatment Equipment. Containers used exclusively for wastewater treatment are exempt but should be located and marked exempt on the facility diagram. Equipment for production, recovery, storage and recycling of oil is not exempt, even if it supports wastewater operations.

1. SPCC Definition of Oil: "oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil." [40 CFR 112.2].

Note: The definition includes solids that contain oil, such as oily debris, residuals from cleanup of oil, or soil containing oil. It also includes oil deposited through vapor emissions such as mists, sprays or condensate. If a material contains oil, even if emulsified oil in water such as a coolant, it may be considered to be regulated as an oil, with the exception of material within exempt waste water treatment equipment. View <http://www.uscg.mil/vrp/faq/oil.shtml> for a listing of materials considered to be oil by the U.S. Coast Guard; this list is not all-inclusive.

*Part 3 of this series, Secondary Containment, will appear in the Summer issue of this newsletter.*

## Attention, All A&WMA Members!

### Changes to Web Site Login Information

In preparation  
for the  
forthcoming  
Online  
A&WMA  
Library,



A&WMA has updated the access and security procedures for the entire Web site. This means that the current login information for all A&WMA members must also be updated. Instead of using your last name and member ID, you will be asked for your member ID plus a password that you select. Please take a moment to [update your information](#) and select a login password—it's quick, easy, and will allow you to take full advantage of the new A&WMA Online Library (coming soon)!



*If your firm would like to place a help wanted ad in the next issue of the LM-A&WMA newsletter, please contact Robin Pelsis at (847) 202-0418 or e-mail her at [lm\\_awma@ameritech.net](mailto:lm_awma@ameritech.net) for exact specifications and deadlines.*

## ENVIRONMENTAL VIOLATIONS (continued from page 9)

provision appears to apply to persons found within the last five years to have committed knowing or willful violations, not simply to those who are so determined after the effective date of the new law. In addition, there appears to be no mechanism to determine if the debarment ends sooner based on the ambiguous phrase “no person involved in the violation continues to have any involvement in the business.” The provision may cause employers to take actions to terminate employees in order to be free from the possibility of debarment (which may raise issues under employment laws).

A person or business otherwise barred from doing business with the state may be allowed to do so only in one specifically limited circumstance. Such a person or business can only do work for the State “if it is shown that there is no practicable alternative to the State to contracting with that person or business.” 30 ILCS 500/50-12(b). Since such a person or business will necessarily have limited information about all “practicable alternatives” available to the State, this exception is not likely to be available in practice, except where the State is determined to direct the work to a particular company.

One thing is certain about the new debarment provision. Companies and individuals facing enforcement for violations of the Environmental Protection Act will need to structure carefully their defense and any possible settlement to avoid a finding by the Board or a court that the violation was knowing or willful. This will arm the enforcement agencies with leverage to force otherwise unacceptable settlement terms on a party. It will also lead to vigorous litigation when a settlement cannot be reached in order to avoid a finding of willful or knowing violation.

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### Send Us Your News!

LM-A&WMA wants to share your news. Send your announcements of new employees, new location, awarding of a job, etc. to [lm\\_awma@ameritech.net](mailto:lm_awma@ameritech.net). Your announcement will be included in the next issue of this newsletter. Newsletters are published on a quarterly basis.



## MEMBER NEWS



**Janet Vail**, secretary of the west Michigan Chapter, has been awarded a grant from the Michigan Department of Environment to write an air quality curriculum for middle schools in Michigan. She also serves on the MDEQ Director’s Environmental Advisory Council.

**David L. Herrin** was recently promoted to the position of Manager of Environmental Compliance at Union Tank Car Company.



### New Members (con’t.)

**Brigid McHale**  
Gabriel Environmental

**James Meverden**  
Meverden Environmental

**Laura Radevski**  
Chase Products Co.

**Michael Rasmussen**  
Viskase Corporation

**Susan Rosenberg**  
Madison Gas & Electric Company

**Jan Sillitti**  
Berlin Industries

**James Tuinenga**  
TEM, Incorporated

**David Wonnell**  
USG Corporation



Lake Michigan States Section  
Air & Waste Management Association  
11 Pleasant Hill Blvd.  
Palatine, IL 60067

**RETURN SERVICE REQUESTED**

## **LAKE MICHIGAN STATES SECTION 2003-04 OFFICERS & DIRECTORS**

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Howard and Howard
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- Secretary:** James Harrington  
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RK & Associates

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University of Illinois @ Chicago  
School of Public Health

Carol Schweiger  
DUR-O-WAL

William D. Seith  
Attorney at Law

Jeffrey Wentz  
Baker Environmental, Inc.

## **Upcoming Events - Mark Your Calendars!**

### **March 12, 2004 - 8:00 a.m.**

Board of Directors Meeting  
Burns & McDonnell - Oak Brook



### **March 15, 2004 - 1:00 p.m.**

Batch Process HAP Emissions Calculations for MACT Compliance  
IIT Stuart - Chicago

### **March 24, 2004**

I.W.W.S.G's 4th Annual Network/Vendor Display Night  
East Bank Club - Chicago  
Contact Jack Kaps, CHMM at John.Kaps@gm.com for more info

### **April 14, 2004**

Insights Into RCRA  
Holiday Inn Selection Hotel & Conference Center - Naperville

### **April 23, 2004**

Lake Michigan States Section Annual Luncheon Meeting  
Athena's Restaurant - Chicago

### **May 19, 2004**

Future of the Chicago Area Waterway System  
Bob Chinn's Crab House - Chicago  
Contact Jack Kaps, CHMM at John.Kaps@gm.com for more info

### **June 22-25, 2004**

A&WMA's 97th Annual Conference & Exhibition  
Indianapolis, Indiana