

# ENVIRONMENTAL REGISTER

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No. 415

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## BOARD PROPOSES NEW SUBDOCKET (C) IN R89-17, CALIFORNIA MOTOR VEHICLE STANDARDS

On October 11, 1990, the Board proposed, for First Notice, a new subdocket (C) in its rulemaking on the possible adoption in Illinois of the California motor vehicle control program. The federal Clean Air Act allows the states to choose between the federal emission standards for motor vehicles and the stricter California emission controls. Evidence in this rulemaking states that the adoption of the California standards in Illinois could result in significant reductions in mobile source emissions of hydrocarbons, carbon monoxide, and nitrogen oxide, which contribute to the formation of ozone. On April 12, 1990, the Board proposed two rulemaking options in subdockets (A) and (B). After review of the record, the Board created new subdocket (C) and proposed an additional rulemaking option.

Subdocket (C) would prohibit the sale, use, possession, or registration in Illinois of any 1993 or subsequent model-year motor vehicle which does not conform with the California emission standards, diagnostic systems, and warranty requirements in effect at the time of the manufacture of that motor vehicle. Like subdockets (A) and (B), passenger cars, light-duty trucks, and medium-duty vehicles are covered by the proposal, but heavy-duty vehicles are excluded. Please note that subdockets (A) and (B) remain "alive", and that subdocket (C) is another option which the Board wishes to pursue. The subdocket (C) proposal will soon be published in the Illinois Register. Questions on this docket may be directed to Elizabeth Schroer Harvey at 312/814-6921.

## BOARD PRAISED IN NEW BOOK FROM CONSERVATION FOUNDATION

In a newly released book the Illinois Pollution Control Board has been praised as an example of an effective state environmental agency worthy of serving as a model for environmental programs in other states and the nation. The book, Integrated Pollution Control in Europe and North America, was published this year by The Conservation Foundation.

The book addresses the need for integrated air, land, and water pollution controls and refers to the state of Illinois as providing "a well-entrenched integrated institution for environmental protection." The book points out that the IPCB,

as the only state board which hears cases and makes rules in all media, "provides a setting in which the transfer, transport, and transformation of pollutants across media is more likely to be taken into account than in media-specific boards and agencies."

Barry Rabe, one of the authors of the book, highlights two of the board's cases as examples of its integrative perspective.

The book refers to a 1971 IPCB opinion which emphasized the cross-media dangers of mercury. That decision noted that mercury in sediment is often converted to a gas, dimethyl mercury, which escapes into the atmosphere and is then washed back to the earth through rain. That decision was also applied in a more recent variance decision in 1988 which required a tar and chemical corporation and a municipal treatment plant to both participate in a program to reduce mercury levels before the plant could accept the corporation's contaminated discharge. The other example Rabe highlights is the board's emergency scrap tire regulations. The rules were enacted after the Asian tiger mosquito, a carrier of such diseases as dengue fever and St. Louis encephalitis, was found in Illinois in 1986 and 1987. The mosquitos use scrap tire piles as breeding grounds and are spread when the tires are moved from place to place. The emergency rules set standards for the storage of scrap tires.

The book, edited by Nigel Haigh and Frances Irwin, can be ordered through The Conservation Foundation, P.O. Box 4866, Hampden Post Office, Baltimore, Maryland 21211. (301) 338-6951.

#### BOARD AND STAFF ACTIVITIES

Board Member Ronald C. Fernal has served as a Review Panel Member for the 1991 Illinois Technology Challenge Grant Program.

On September 14, 1990, Board Member Joan Anderson spoke at the 59th Annual Illinois Potable Water Supply Operators Conference about the role of the Pollution Control Board and the new regulations adopted by the Board relating to the federal Safe Drinking Water Act.

Board Member Jacob Dumelle spoke in favor of a leaf-burning ban to the Lake Forest City Council on October 1st. He pointed out that the burning of leaves releases 7 known carcinogens, induces asthmatic and allergic reactions, generates oxides of nitrogen which intensify the "greenhouse effect" and allows airborne phosphorus to reach Lake Michigan where it intensifies eutrophication (premature aging).

On October 26th Mr. Dumelle will address the Illinois Manufacturers Association in Chicago on "Megatrends in the Environment". He will discuss the push by 9 states to adopt the tighter California auto emission standards in the context of "Industry or Cars: Which will it be?" as well as other trends.

On October 13th Chairman John C. Marlin spoke at the Environmental Law Seminar sponsored by The Southern Illinois University School of Law Alumni Association. Chairman Marlin discussed the Board's procedural rules and trends in environmental law.

#### FINAL ACTIONS - OCTOBER 11, 1990 BOARD MEETING

- PCB 86-48 Wells Manufacturing Co. v. IEPA - This matter was remanded to the Agency for further action consistent with the First District Court Opinion.
- PCB 87-89 Cargill, Inc. v. IEPA, et al. - There being no remaining issues between the parties, and no right of third party appeal of air permits under the Act, this matter was dismissed and the docket closed.
- PCB 90-47 Darrell Williams v. Shell Oil Co. This matter was dismissed on petitioner's motion.
- PCB 90-73 People of the State of Illinois v. Illinois Cement Co., a joint venture - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a civil penalty of \$8,000 concerning its LaSalle County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-92 People of the State of Illinois v. Lennon Wallpaper Co., a Delaware corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a civil penalty of \$3,000 concerning its Will County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-98 People of the State of Illinois v. Aggrecon Corp., an Iowa corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$2,000 and to cease and desist from alleged violations at its Carroll County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-105 People of the State of Illinois v. Evangelical Health Systems, a/k/a Christ Hospital, an Illinois Corporation - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$5,000 and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-109 People of the State of Illinois v. Litho-Graphic Metal Corp., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$3,000 and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-110 People of the State of Illinois v. Homak Mfg. Co., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$1,000 and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-115 People of the State of Illinois v. Excello Color and Chemical Co., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$10,000 and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-116 People of the State of Illinois v. Graham Paint and Varnish Co., Inc., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air

- pollution regulations, agreed to pay a civil penalty of \$2,750 and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-120 People of the State of Illinois v. William J. Langheim, et al. - The Board accepted the Stipulation and Settlement Agreement in which respondents admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$2,500 and to cease and desist from alleged violations at its Sangamon County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-134 Village of Maple Park v. IEPA - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to the barium standard for its Kane County facility. Board Member B. Forcade dissented.
- PCB 90-169 FIW, Inc. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 90-185 Mazer Chemical/Div. of PPG Inc. L0980355001/Lake County v. IEPA - The Board accepted the Agency Recommendation and granted petitioner 30-day provisional variance from the Board's waste disposal regulations relating to on-site storage of hazardous wastes for its Lake County facility.
- PCB 90-186 Electric Energy, Inc., v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations relating to the total suspended solids effluent requirements for its Massac County facility.
- AC 89-263 IEPA v. Village of Hanover, et al. - The Board granted the Agency's motion to withdraw and closed the docket.
- AC 90-70 IEPA v. James Rhodes, d/b/a Rhodes Auto Service - The Board granted the Agency's motion to withdraw and closed the docket.
- AC 90-76 IEPA v. Johnson Blackwell - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.
- AC 90-77 IEPA v. Henry Nelch and Son Co. - The Board found respondent violated Sections 21(q)(1) and 21(q)(4) of the Act and imposed a fine of \$1,000.
- AC 90-78 County of Jackson v. Everett Allen, d/b/a Allen Waste Management - The Board found respondent violated Section 21(p)(11) of the Act and imposed a fine of \$500.
- AC 90-80 County of Jackson v. Everett Allen, d/b/a Allen Waste Management - The Board found respondent violated Section 21(p)(11) of the Act and imposed a fine of \$500.

#### NEW CASES - OCTOBER 11, 1990 BOARD MEETING

- PCB 90-170 Goose Lake Assn. v. Robert J. Drake, Sr., et al. - Complainants allege violations of the Act concerning water pollution at respondent's Grundy County development. Held until October 25, 1990.
- PCB 90-179 Acme Finishing Co., Inc. v. IEPA - Petitioner seeks review of denial of permits for its Cook/DuPage County facility. Held until October 25, 1990.
- PCB 90-180 IEPA v. Container Corp. of America, a foreign corp. - Complainant alleges violations of the Act and Board air pollution regulations at respondent's DuPage County facility. Hearing mandatory.
- PCB 90-181 Village of Sauget v. IEPA - Petitioner seeks variance extension from the Board's water pollution regulations for its St. Clair County facility. Accepted for hearing.
- PCB 90-182 Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall et al. - Complainants allege violations of the Board's noise regulations at respondent's Adams County facility. Held for duplicitous/frivolous determination.
- PCB 90-183 Gallatin National Co v. IEPA - Petitioner seeks variance and stay from the Board's waste disposal regulations for its Fulton County facility. Accepted for hearing.
- PCB 90-184 IEPA v. Hopper Paper Division, et al. - Complainant alleges violations of the Act and Board water pollution regulations at respondent's Christian County facility. Hearing mandatory.
- PCB 90-185 Mazer Chemical/Div. of PPG Inc., L0970355001/Lake County v. IEPA - See Final Actions.

PCB 90-186 Electric Energy, Inc. v. IEPA - See Final Actions.

**CALENDAR \***

October 26 10:00 a.m.	A-C	<u>EPA v. Multi-County Landfill, Inc.</u> - AC 89-288, Douglas County Courthouse, County Board Room, Tuscola.
October 30 10:00 a.m.	N-E	<u>Carl Madoux et al. v. B &amp; M Steel Service Center</u> PCB 90-148, In a Room in The City Hall, 101 East 3rd St., Alton.
October 30 10:00 a.m.	P-A	<u>Marathon Petroleum Company v. EPA</u> - PCB 90-126, IEPA Conference Room, 2200 Churchill Rd., Springfield.
October 31 10:00 a.m.	N-E A-E	<u>Carl Madoux et al. v. Straders Logging and Lumber Mill</u> - PCB 90-149, In a Room in the City Hall, 101 East 3rd St., Alton.
November 1 10:00 a.m.	P-A	<u>Hydraulics, Inc. d/b/a Brake Parts Company v. EPA</u> - PCB 89-88, Litchfield Town Hall, 120 E. Ryder, Litchfield.
November 1 10:00 a.m.	A-E	<u>EPA v. Nesco Steel Barrel Company</u> - PCB 90-37, Granite City Township Building, 2060 Delmar Ave., Granite City.
<b>November 8</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 9 10:00 a.m.	A-C	<u>County of St. Clair v. Laidlaw Waste Systems</u> - AC 90-74, County Board Conference Room, 5th Floor, St. Clair County Building, 10 Public Square, Belleville.
November 12 9:30 a.m.	A-V	<u>Olin Chemicals (Joliet Plant) v. EPA</u> - PCB 89-72, Will County Courthouse, 14 W. Jefferson St., Joliet.
November 13 10:00 a.m.	A-C	<u>EPA v. ESG Watts, Inc.</u> - AC 90-47, County Office Building, County Board Room, Third Floor, 1504 Third Avenue, Rock Island.
November 14 10:00 a.m.	A-E	<u>People of the State of Illinois v. Duraco, Inc.</u> - PCB 90-61, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 14 10:00 a.m.	P-A	<u>Envotech-Illinois, Inc. v. IEPA</u> - PCB 90-138, Montgomery County Courthouse, Hillsboro.
November 14 9:30 a.m.	P-A	<u>Stepan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson, Joliet.
November 14 10:00 a.m.	P-A	<u>A.K.A. Land, Inc. v. EPA</u> - PCB 90-177, Belleville City Hall, City Council Chambers, 101 S. Illinois St., Belleville. (Will continue on 16th if needed.)
November 16 10:00 a.m.	A-C	<u>County of Madison v. City of Alton</u> - AC 90-41, Council Chambers, City Hall, 3rd & Alby St., Alton.
November 19 10:00 a.m.	L-E	<u>People of the State of Illinois v. Chicago Heights Refuse Depot, Inc.</u> - PCB 90-112, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 20 10:00 a.m.	A-E	<u>People of the State of Illinois v. Colwell/General, Inc.</u> - PCB 89-180, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 20 10:00 a.m.	P-A	<u>Earl R. Bradd, as owner of the Bradd Sanitary Landfill v. EPA</u> - PCB 90-173, Bloomington City Hall, City Council Chambers, 109 East Olive St., Bloomington.
November 21 9:30 a.m.	A-E	<u>People of the State of Illinois v. Westvaco Corporation</u> - PCB 90-127, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 21 10:00 a.m.	P-A	<u>Watts Disposal Systems, Inc. v. EPA</u> - PCB 90-174, City Council Chambers, Rock Island City Hall, Third Floor, 1528 Third Avenue, Rock Island.
November 28	P-A	<u>National Steel Corporation (Granite City Division) v. EPA</u> - PCB 90-114, Courthouse, Second

9:30 a.m.		Floor, Granite City Hall, 2000 Edison Ave., Granite City.
<b>November 29</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 30 9:30 a.m.	A-C	<u>EPA v. Johnson Blackwell</u> - AC 90-72, Carlyle City Hall, Second Floor, 850 Franklin, Carlyle.
December 4 9:00 a.m.	R	<u>Groundwater Quality Standards (35 Ill. Adm. Code 620)</u> - R89-14, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
December 5 10:00 a.m.	A-V	<u>Monsanto Company v. EPA</u> - PCB 90-44, City Council Chambers, City Hall, 2897 Falling Springs Rd., Sauget.
December 6 10:00 a.m.	A-E	<u>People of the State of Illinois v. Allied-Hastings Barrel and Drum Service, Inc.</u> - PCB 90-60, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 6 9:30 a.m.	A-E	<u>People of the State of Illinois v. G &amp; K Investments Inc., Gary Cross and Kevin Leesman</u> - PCB 90-140, Logan County Courthouse, 601 Broadway, Lincoln.
December 13 9:00 a.m.	UST-FRD	<u>Williamson Adhesives, Inc. v. EPA</u> - PCB 90-168, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago
December 14 9:00 a.m.	UST-FRD	<u>Williamson Adhesives, Inc. v. EPA</u> - PCB 90-168, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 18 10:00 a.m.	A-E	<u>People of the State of Illinois v. Sure-Tan, Inc.</u> - PCB 90-62, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
<b>December 20</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 21 9:30 a.m.	A-E	<u>IEPA v. Columbia Quarry Company</u> - PCB 90-161, County Conference Room, St. Clair County Building, 5th Floor, 10 Public Square, Belleville.
December 27 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, In a Room in the City Hall, 101 E. 3rd Street, Alton.
January 8 9:00 a.m.	P-A	<u>Douglas Furniture v. EPA</u> - PCB 90-22, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
January 24 10:00 a.m.	A-E	<u>People of the State of Illinois v. Robert A. Propheter, d/b/a Bob Propheter Construction Company</u> - PCB 90-18, County Board Room, 707 Etna Road, Ottawa.

\* Times and locations of hearings and meetings appearing in the Environmental Register are subject to cancellation or rescheduling without notice. Confirmation of that information may be obtained from the Clerk of the Board at 312/814-6931.

\*\* The Pollution Control Board meetings listed in the calendar (highlighted) are unlike the other hearings listed in that, while they are open to the public, public participation is generally not allowed, except upon the granting of a motion for oral argument.

CALENDAR CODE:

A-C	ADMINISTRATIVE CITATION	A-E	AIR ENFORCEMENT
A-S	ADJUSTED STANDARD	A-V	AIR VARIANCE
CSO	COMBINED SEWER OVERFLOW EXCEPTION	L-E	LAND ENFORCEMENT
L-S-R	LANDFILL SITING REVIEW	L-V	LAND VARIANCE
N-E	NOISE ENFORCEMENT	N-V	NOISE VARIANCE
P-A	PERMIT APPEAL	PWS-E	PUBLIC WATER SUPPLY ENFORCEMENT
PWS-V	PUBLIC WATER SUPPLY VARIANCE	R	REGULATORY PROCEEDING
SO <sub>2</sub>	SO <sub>2</sub> ALTERNATIVE STANDARDS	SWH-E	SPECIAL WASTE HAULING ENFORCEMENT
SWH-V	SPECIAL WASTE HAULING VARIANCE	T	THERMAL DEMONSTRATION RULE (35 ILL. ADM. CODE 302.211(F))
T-C	TAX CERTIFICATIONS	T-S	TRADE SECRETS
W-E	WATER ENFORCEMENT	W-V	WATER VARIANCE

WWS WATER-WELL SETBACK EXCEPTION  
UST-FRD UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION