

# ENVIRONMENTAL REGISTER

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**No. 438**

**October 23, 1991**

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## **BOARD ADOPTS EXEMPTIONS FROM VOM, R91-10**

On September 12, 1991, the Board adopted final amendments that incorporate into its Air Pollution Control rules the latest version of the USEPA's "Recommended Policy on the Control of Volatile Organic Compounds." That USEPA policy revision added five compounds and four classes of compounds to the list of negligibly-photochemically-reactive compounds exempted from regulation as volatile organic compounds (VOMs). Copies of the Board's Opinion and Order are available from the Clerk of the Board at 312/814-3620.

## **BOARD MAKES EcIS DETERMINATION IN PM-10 PROPOSAL (R91-22)**

On October 10, 1991, the Board determined that no economic impact study (EcIS) is necessary in the proposed PM-10 rules for the McCook and Lake Calumet areas of Cook County, and the Granite City area of Madison County. (Docket R91-22.) Both the Illinois Environmental Protection Agency (Agency) and the Illinois Department of Energy and Natural Resources (ENR) asked that no EcIS be prepared. Two formal studies of the economic impact of the proposed rules have already been submitted, and ENR has stated that it will have those studies updated in response to amendments to the proposal. In determining that an EcIS is not necessary, the Board noted that the record currently contains more

economic information than usually exists at this point in a proceeding, and that both existing and new information can be explored in the hearing process and in written comments. Additionally, given the federal deadline in this proceeding, the Board found that it is not appropriate to request an EcIS. Questions on this proceeding should be directed to Elizabeth Schroer Harvey at 312/814-6921.

## **BOARD DETERMINES NO EcIS NECESSARY IN DIESEL RULEMAKING**

On September 26, 1991, the Board determined that no Economic Impact Study ("EcIS") was necessary in R90-20, Diesel Vehicle Exhaust Opacity Limits. Section 27(a) of the Illinois Environmental Protection Act requires the Board to make a finding as to whether an EcIS is needed. In making this determination, the Board noted that the record to date contains a vast amount of economic information. Hearings were held in this proposed regulation on September 19th and October 3rd of this year. The comment period ends on November 1, 1991. Questions should be directed to Timothy P. Dwyer at (312) 814-3620.

## **BOARD AND STAFF ACTIVITIES**

Board Member Ronald C. Flemal addressed the Illinois Municipal League at its annual conference on October 13, 1991, on the topic: Groundwater Regulations and Compliance.

## **ADJUSTED STANDARDS DETERMINATIONS LIST**

Pursuant to Section 28.1(d)(3) of the Environmental Protection Act, the Board is publishing in this issue of the Environmental Register a list of all final determinations on adjusted standards made within fiscal year 90/91 (July 1, 1990 to June 30, 1991). The Board will also publish in this issue a list of all final determinations on combined sewer overflow exceptions made within fiscal year 90/91. To receive a copy of any of these determinations, please write to the Clerk of the Board and specify the docket number of the case.

**ADJUSTED STANDARDS**

<u>Docket</u>	<u>Docket Name</u>	<u>Final Determination</u>
AS 89-2	In the Matter of: Elizabeth Street Foundry, Inc., an Illinois corporation, Petitioner for Adjusted Standard, 35 Ill. Adm. Code 215.456	Board denied the petition on January 24, 1991.
AS 89-3	In the Matter of: The NutraSweet Company and Consumers Illinois Water Company, Petition for Adjusted Standard, 35 Ill. Adm. Code 304.105 and 302.208	Board granted the petition on February 28, 1991.
AS 89-5	In the Matter of: Safety-Kleen Corporation, Petition for Adjusted Standard, 35 Ill. Adm. Code 720.131(c)	Board granted motion to voluntary withdraw petition on July 3, 1990.
AS 90-1	In the Matter of: Petition of the City of Jacksonville for Adjusted Standard, 35 Ill. Adm. Code 306.305(b)	Board granted the petition on August 9, 1990.
AS 91-2	In the Matter of: Petition of Ford Motor Company for Adjusted Standard from 35 Ill. Adm. Code 215.204(a)(1)	Board granted the petition on May 14, 1991.

**COMBINED SEWER OVERFLOW EXCEPTIONS**

No final determinations during fiscal year 90/91 (July 1, 1990 to June 30, 1991).

**FINAL ACTIONS - OCTOBER 10, 1991 BOARD MEETING**

PCB 90-112 (A & B)	<u>People of the State of Illinois v. Chicago Heights Refuse Depot, Inc.</u> - The Board found respondent violated the Act, Board waste disposal regulations and certain conditions in its supplemental permit, ordered respondent to pay a penalty of \$100,000 for deposit into the Environmental Trust Fund, to cease and desist from all violations concerning its Cook County facility, to improve existing wells or install additional monitoring wells and continue reporting of results to the Agency. Board Member B. Forcade concurred and Board Member J.D. Dumelle dissented.
PCB 90-124	<u>People of the State of Illinois v. Rock Valley Oil &amp; Chemical Co., an Illinois Corp.</u> - The Board accepted the Settlement Agreement in which respondent admitted to violations of the Act and Board air pollution regulations, ordered respondent to pay the sum of \$1,500 for deposit into the Environmental Protection Trust Fund and to cease and desist from further violations at its Winnebago County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
PCB 91-106	<u>Richard Worthen et al v. Village of Roxana and Laidlaw Waste Systems (Madison) Inc.</u> - The Board affirmed the decision of the Roxana Village Board of Trustees granting site approval to respondent for expansion of its Cahokia Road landfill in Madison County. Board Member J.D. Dumelle dissented.
PCB 91-111	<u>Village of Oswego v. IEPA</u> - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from Board public water supplies regulations relating to Standards for Issuance and Restricted Status concerning the standards for combined radium-226 and radium-228 in drinking water for its Kendall County facility. Board Members J.D. Dumelle and B. Forcade dissented.
PCB 91-112	<u>Williamson Adhesives Inc. v. IEPA</u> - The Board denied petitioner's motion for reconsideration of its August 22, 1991 decision which denied underground storage tank reimbursement for petitioner's Williamson County facility.

- PCB 91-131 Salvation Army v. IEPA - The Board granted the Agency's motion for summary judgement finding that the Agency correctly applied the deductible of \$100,000 from the underground storage tank reimbursement fund concerning petitioner's Lake County facility.
- PCB 91-185 Castle Metal Finishing v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from Board waste disposal regulations concerning its Cook County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-186 I.C.I. Americas Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from Board waste disposal regulations concerning its Champaign County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-187 Magic Chef Co. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from Board waste disposal regulations concerning its Williamson County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-189 USX Corp. U.S. Steel - South Works v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from Board water pollution regulations relating to total residual halogen requirements to allow for the use of treatment additives effective in control of zebra mussel infestation at its Cook County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- AC 91-39 County of Will v. South Holland Trust, Trust #268 et al. - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

**NEW CASES - OCTOBER 10, 1991 BOARD MEETING**

- PCB 91-136 Don Bolander v. Monticello Bus Service, Wayne Kruger, President - Complainant alleges violations of Board noise pollution regulations at respondent's Piatt County facility. Response due October 28, 1991.
- PCB 91-152 Envirite Corp. v. IEPA and Peoria Disposal Co. et al. - Complainant alleges violations of the Act relating to hazardous wastes at a Peoria County Landfill. Responses to cross-motions due November 10, 1991.
- PCB 91-153 Clyde R. Dace v. D. Kohlhase, Fire Chief, Fox River Grove Fire Protection District - Complainants allege violations of Board noise pollution regulations at respondent's McHenry County facility. Accepted for hearing.
- PCB 91-172 John Plosila v. Bandito Barney's et al. - Complainant alleges violations of Board noise pollution regulations at respondents' Kane County facility. Held until October 24, 1991.
- PCB 91-182 George Weber Chevrolet Facility v. IEPA - Petitioner seeks review of underground storage tank reimbursement costs concerning its Monroe County facility. Additional information requested.
- PCB 91-183 Thomas J. Sneed et al v. Frank Farrar First Bank & Trust Co. - Complainant alleges violations of Board noise pollution regulations at respondent's Alexander County facility. Held for duplicitous/frivolous determination.
- PCB 91-184 The C.P. Hall Company v. IEPA - Petitioner seeks permit review for its Cook County facility. Hearing authorized.
- PCB 91-185 Castle Metal Finishing v. IEPA - See Final Actions.
- PCB 91-186 I.C.I. Americas, Inc. v. IEPA - See Final Actions.
- PCB 91-187 Magic Chef Co. v. IEPA - See Final Actions.
- PCB 91-188 Village of Lake Zurich v. IEPA - Petitioner seeks variance regarding its Lake County water supply and distribution system. Accepted for hearing.
- PCB 91-189 USX Corp., U.S. Steel - South Works v. IEPA - See Final Actions.
- PCB 91-190 State Bank of Whittington v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Franklin County facility. Accepted for hearing.
- PCB 91-191 Grand Soo, Inc. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Cook County facility. Accepted for hearing.

- PCB 91-192 People of the State of Illinois v. Prairie Material Sales, Inc. - Complainant alleges violations of the Act and Board air pollution regulations at respondent's Kane County facility. Hearing mandatory.
- PCB 91-193 People of the State of Illinois v. Park Crematory, Inc. Complainant alleges violations of the Act and Board air pollution regulations at respondent's Cook County facility. Hearing mandatory.

#### CALENDAR

- October 29 10:00 a.m. R In the Matter of: PM-10 Emission Limits in the McCook and Lake Calumet Areas of Cook County, Illinois, and the Granite City Area of Madison County, Illinois: 35 Ill. Adm. Code Parts 211 and 212 - R91-22, Edwardsville City Hall, Council Chambers, 400 N. Main St., Edwardsville.
- November 4 9:30 a.m. W-E Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370 - PCB 90-170, Grundy County Courthouse, County Boardroom, 111 E. Washington St., Morris.
- November 5 9:30 a.m. W-E Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370 - PCB 90-170, Grundy County Courthouse, County Boardroom, 111 E. Washington St., Morris.
- November 6 9:00 a.m. N-E Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company - PCB 90-182, McDonough County Courthouse, Law Library, Third Floor, Macomb.
- November 6 1:00 p.m. P-A IBP, Inc. v. EPA - PCB 88-98, Rock Island County Building, 1504 3rd Ave., Third Floor Board Room, Rock Island.
- November 7 9:00 a.m. N-E Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company - PCB 90-182, McDonough County Courthouse, Law Library, Third Floor, Macomb.
- November 7 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 7 9:30 a.m. P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
- November 8 9:30 a.m. P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
- November 8 10:00 a.m. UST-FRD Clinton County Oil Co., Inc., and Hoffman/Meier's Shell and Clarence Meier v. EPA - PCB 91-163, City Council Chambers, 850 Franklin St., Carlyle.
- November 12 10:00 a.m. P-A FIW, Inc. v. EPA - PCB 90-141, Rockford Public Library, Room A, Lower Level, 215 N. Wyman St., Rockford.
- November 13 10:00 a.m. W-V Marathon Oil Company v. EPA - PCB 91-173, Robinson Township Public Library, 606 N. Jefferson, Robinson.
- November 14 10:00 a.m. A-S In the Matter of Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 301.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria - AS 90-4, City Hall, Mayor's Conference Room, Second Floor, 200 Edison Avenue, Granite City.
- November 14 9:30 a.m. P-A Stephan Company v. EPA - PCB 90-42, Will County Courthouse, 14 W. Jefferson St., Joliet.
- November 14 9:30 a.m. P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
- November 15 9:30 a.m. P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
- November 18 10:00 a.m. A-C EPA v. Randall Loveless - AC 91-31, Macoupin County Courthouse, Ground Level, East First Street, Carlinville.

November 19 10:00 a.m.	P-A	<u>BF Goodrich Corporation (Henry Facility) v. EPA</u> - PCB 91-17, Marshall County Courthouse, County Board Room, 122 N. Prairie, Lacon.
November 19 1:00 p.m.	P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
November 20 9:30 a.m.	P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - PCB 89-177, Loyola Law School, Room 160, Corboy Courtroom, 1 East Pearson, Chicago.
<b>November 21</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 21 10:30 a.m.	P-A	<u>The City of Metropolis v. EPA</u> - PCB 90-8, Metropolis City Hall, City Council Chambers, 106 W. 5th St., Metropolis.
November 27 9:30 a.m.	N-E	<u>Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard</u> - PCB 91-128, Criminal Justice Center, 707 Etna Road, Ottawa.
<b>December 5</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 12 10:00 a.m.	UST-FRD	<u>Kronon Motor Sales v. EPA</u> - PCB 91-138, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 13 10:00 a.m.	N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - PCB 91-50, McHenry City Hall, 333 S. Green St., McHenry.
December 16 10:00 a.m.	P-A	<u>Monsanto Company v. EPA</u> - PCB 91-57, Sauget Village Hall, 2897 Falling Springs Road, Sauget.
<b>December 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

\* 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		