

# ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 450

April 22, 1992

## RULEMAKING UPDATE

### **SECOND NOTICE IN PM10 AMBIENT LIMITATIONS AND EPISODE RULES, R91-35**

On April 9, 1992, the Board adopted the final notice in the PM-10 statewide episode regulations. The proposal prescribes state-wide limits for emission of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (known as PM-10).

These rules are a portion of the State Implementation Plan for PM-10 and the Board has certified these rules as federally required. The annual PM-10 standard is set at a level of 50 micrograms per cubic meter, in the form of an annual arithmetic mean. In addition, the proposal adopts 600 micrograms of PM-10 per cubic meter as a 24-hour average as the significant harm level. Questions concerning this rulemaking should be addressed to the hearing officer, Marie E. Tipsord, 100 W. Randolph, Suite 11-500, Chicago, IL 60601 (312) 814-4925.

### **BOARD ADOPTS PM-10 EMISSION LIMITS FOR McCOOK, LAKE CALUMET, AND GRANITE CITY AREAS, R91-22**

On April 9, 1992, in rulemaking docket R91-22, the Board adopted (7-0) amendments to its rules governing the emission of particulate matter. The new rules regulate particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, known as PM-10. In addition to emission limits, the new rules contain recordkeeping and reporting requirements. The rules apply to sources in the McCook and Lake Calumet areas of Cook County, and to the Granite City area of Madison County.

Based upon its consideration of the testimony, exhibits, and comments received during the proceeding, the

Board found that the rules are economically reasonable and technically feasible. The Board also found that the new rules will demonstrate attainment with the PM-10 national ambient air quality standards (NAAQS), and that the rules are federally approvable. The new rules are one part of Illinois' submittal of a complete state implementation plan (SIP) for the control of PM-10 emissions, as required by the federal Clean Air Act.

The rules will be published in the Illinois Register.

Copies of the rules (reference docket R91-22) are available from the Clerk of the Board at 312/814-3620. Questions on the rules should be directed to Elizabeth Schroer Harvey at 312/814-6921.

### **UIC UPDATE, PRETREATMENT UPDATE, AND VOM EXEMPTION UPDATE DOCKETS DISMISSED, R92-4, R92-5, & R92-6**

These dockets were reserved by the Board for updating the UIC and pretreatment rules, and those rules governing exemptions from the definition of VOM, to include USEPA regulations adopted between July 1, 1991 and December 31, 1991. However, USEPA did not amend those rules during that period and the Board therefore dismissed the dockets.

## BOARD AND STAFF ACTIVITIES

On April 24, 1992, the Consulting Engineers Council of Illinois recognized former Board Member Jacob D. Dumelle with its Distinguished Service Award. The Council is honoring Mr. Dumelle for his outstanding contributions and long-term service at the Pollution Control Board. Mr. Dumelle is only the eleventh person to receive the award since 1972.

## FINAL ACTIONS - APRIL 9, 1992 BOARD MEETING

**PCB 91-48** Wonder View Improvement Association v. Northern Illinois Utilities, Inc. - The Board found that Northern Illinois Utilities, Inc. violated the Board's public water supplies regulations and was ordered to cease and desist from all violations of the Board's regulations concerning its McHenry County facility.

**PCB 91-108** Israel-Gerrold's, First Illinois Bank & Trust a/k/a LaGrange State Bank, as Trustee under Trust No. 1130, and Lears and Co., Inc. v. IEPA - The Board granted petitioner's motion to dismiss without prejudice.

**PCB 91-140** Waste Management of Illinois, Inc. v. IEPA - The Board granted petitioners motion to dismiss.

**PCB 91-174** Enterprise Leasing Co. v. IEPA - The Board reversed the Agency's determination that the costs associated with tank removal are not reimbursable and affirmed the Agency's determination that equipment charges and lab costs are not reimbursable. The case was remanded to the Agency for disbursement of the reimbursable amount. Board Member J. C. Marlin dissented.

**PCB 91-184** The C.P. Hall Company. v IEPA - The Board granted petitioners motion to dismiss.

**PCB 91-214** North Oak Chrysler Plymouth v. Amoco Oil Co. - The Board found that it lacked jurisdiction in this matter and was unable to grant the relief requested. Therefore, the Board granted Amoco's cross-motion for summary judgment, denied North Oak's motion for summary judgment, and closed the docket in this matter.

**PCB 91-251** Monterey Coal Co. v. IEPA - The Board granted Monterey Coal Company a variance with conditions from the Board's public water supplies regulations concerning its Clinton County facility.

**PCB 91-254** People of the State of Illinois v. Acme Printing Ink Co. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air regulations and agreed to pay a sum of \$17,500 to the Environmental Protection Trust Fund and agreed to cease and desist from further violations concerning its DuPage County facility. Board Member J. Theodore Meyer dissented.

**PCB 91-255** People of the State of Illinois v. Sears, Roebuck and Co. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air regulations and agreed to pay a sum of \$4,000 to the Environmental Protection Trust Fund and agreed to cease and desist from further violations concerning its Cook County facility. Board Member J. Theodore Meyer dissented.

**PCB 92-24** People of the State of Illinois v. Modine Manufacturing Co. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent neither admitted nor denied alleged violations and agreed to pay a civil penalty of \$20,000 designated to the Environmental Protection Trust Fund concerning its McHenry County facility. Board Member J. Theodore Meyer dissented.

**PCB 92-52** Modern Plating Corp. v. IEPA - The Board granted Modern Plating Corp. a 30 day provisional variance for its Stephenson County facility from 35 Ill. Adm. Code 722.134(b).

**AC 89-275** IEPA v. Quantum Chemical Corp. - The Board granted the Agency's motion to delete the violation of Section 21(q)(6) and to amend the \$1,000 penalty to \$500. The Board found respondent violated Section 21(q)(1) and imposed a fine of \$500 designated to the Environmental Protection Trust Fund.

**R91-13** RCRA Update, USEPA Regulations (1/1/91-6/30/91) - The Board updated its RCRA Hazardous Waste Regulations to reflect USEPA amendments made between 1/1/91 and 6/30/91.

**R91-14** UST Update, USEPA Regulations (1/1/91-6/30/91) - The Board updated its UST Regulations to reflect USEPA amendments made between 1/1/91 and 6/30/91.

**R91-22** PM-10 Emissions Limits for the McCook and Lake Calumet areas of Cook County, Illinois and the Granite City Area of Madison County, Illinois: Amendments to 35 Ill. Adm. Code Parts 211 and 213 - This matter was adopted as a final rule, fulfilling the mandate of Section 14.4 of the Environmental Protection Act.

**R91-35** Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution PM-10 Ambient Limits and Episode regulations; 35 Ill. Adm. Code 212, 243 and 244 - This matter was adopted as a final rule, fulfilling the mandate of Section 14.4 of the Environmental Protection Act.

**R92-4** UIC Update, USEPA Regulations (7/1/91 through 12/31/91) - The matter was dismissed as there was no update of UIC rules by the USEPA for this period.

**R92-5** Pretreatment Update (7/1/91 through 12/31/91) - The matter was dismissed as there was no update of pretreatment rules by the USEPA for this period.

**R92-6** Exemptions from the definition of VOM, USEPA Regulations (7/1/91 through 12/31/91) - The matter was dismissed as there was not update of these regulations by the USEPA for this period.

### **NEW CASES - APRIL 9, 1992 BOARD MEETING**

**PCB 92-49** Bernard Miller v. IEPA - Petitioner seeks a review of an underground storage tank reimbursement determination for its Sangamon County facility. Accepted for hearing.

**PCB 92-50** Lawrence Brothers, Inc. v. IEPA - Petitioner seeks an air variance for its Whiteside County

facility. Accepted for hearing.

**PCB 92-51** People of the State of Illinois v. United Coatings, Inc. - Petitioner alleges violations of the Act and Board air pollution regulations at respondent's Kankakee County facility. A stipulation and proposal

for settlement and an agreed motion to request relief from the hearing requirement were filed. The Board directed the Clerk of the Board to cause publication of the required newspaper notice and reserved ruling on the parties' request until after the statutory 21 days passed.

**PCB 92-53** Martin Oil Marketing v. IEPA - Petitioner seeks a review of an underground storage tank reimbursement determination for its Cook County facility. Accepted for hearing.

**PCB 92-52** Modern Plating Corp. v. IEPA - See Final Actions.

### **CALENDAR OF HEARINGS**

All hearings held by the Board are open to the public. All Pollution Control Board Meetings (highlighted) are open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at (312) 814-6931.

April 28 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 229, Corboy Courtroom, 1 East Pearson. Chicago.
April 29 9:00 a.m.	PCB 92-10 UST-FRD	<u>Kelly Williamson Company v. EPA</u> - Ogle County Courthouse, 4th & Washington Sts., State's Attorney's Conference Room, Oregon.
April 29 10:00 a.m.	PCB 90-201 N-E	<u>David L. Dravis and Margo Dravis v. M &amp; D AG, Jerry McGinn, and Bert Davis</u> - Whiteside County Courthouse, 200 E. Knox St., Morrison.
April 29 1:00 p.m.	AC 91-45 AC	<u>County of Ogle v. Rochelle Disposal Services, Inc., Operator and City of Rochelle</u> - Ogle County Courthouse, 4th & Washington Sts., State's Attorney's Conference Room, Oregon.
April 30 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.
April 30 9:30 a.m.	PCB 91-154 L-E	<u>Carrell and Mary Bates v. Edward E. Brake; Ella F. Brake; Eugene Gale Heiser, in his individual capacity and d/b/a Heiser Oil &amp; Gas Company, an Illinois Corporation</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
May 1 10:00 a.m.	AS 91-5 AS	<u>In the Matter of Elizabeth Street Foundry, Inc., an Illinois Corporation, Petition for Adjusted Standard, 35 Ill. Adm. Code 212.321</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
May 6 9:30 a.m.	PCB 91-194 CSO-E	<u>Residents of Cedarville v. Village of Cedarville</u> - Stephenson County Courthouse, County Board Room, First Floor, 15 North Galena Avenue, Freeport.
<b>May 7</b>		<b><u>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</u></b>
May 7 9:30 a.m.	PCB 91-202 P-A	<u>Sherex Chemical Co., Inc. v. EPA</u> - Peoria County Courthouse, Board of Supervisors, Jefferson & Main Street, Peoria.
May 8 10:00 a.m.	AC 92-5 AC	<u>EPA v. Ronald D. and Retha M. Rawe</u> - Greene County Courthouse, Carrollton.
May 11 10:00 a.m.	AC 91-37 AC	<u>EPA v. Hubert Larson and John Strange</u> - Rockford State of Illinois Building, 200 S. Wyman, Third Floor, Small Conf. Room, Rockford.
May 12 10:00 a.m.	PCB 90-8 P-A	<u>The City of Metropolis v. EPA</u> - Metropolis City Hall, City Council Chambers, 106 W. 5th St., Metropolis.
May 12	R 91-28	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution,</u>

11:00 a.m.	R	<u>Reasonably Available Control Technology - Geographical Expansion for the Chicago Consolidated Metropolitan Statistical Area</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, Oswego.
May 12 2:00 p.m.	R91-24 R	<u>In the Matter of: Exemptions from Definitions of VOM, 35 Ill. Adm. Code 218 and 219</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, (Across from Fox Bend Golf Course) Oswego.
May 13 10:00 a.m.	PCB 91-237 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.
May 13 10:00 a.m.	PCB 91-238 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.
May 14 10:00 a.m.	PCB 92-36 UST-FRD	<u>City of Lake Forest v. EPA</u> - Lake Forest City Hall, 220 E. Deerpath, Lake Forest.
May 14 10:00 a.m.	AC 91-32 AC	<u>Ogles County v. Rochelle Services, Inc.</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
May 15 9:00 a.m.	PCB 91-195 A-E	<u>Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.</u> - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.
May 15 10:00 a.m.	PCB 91-83 UST-FRD	<u>Village of Lincolnwood v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
May 19 10:00 a.m.	AS 91-11 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's East St. Louis Public Water Supply Facility</u> - Alton City Hall, Council Chambers, Room 104, 101 E. Third St., Alton.
<b>May 21</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
May 21 9:00 a.m.	PCB 92-40 P-A	<u>Waste Hauling, Inc. v. EPA</u> - Macon County Building, Room 504, Macon County Boardroom, 253 E. Wood St., Decatur.
May 22 9:00 a.m.	PCB 92-42 UST-FRD	<u>Burwell Oil Service, Inc. v. EPA</u> - Municipal Building, Room 203, Seventh and Monroe Streets, Springfield.
May 22 10:00 a.m.	AC 92-3 AC	<u>EPA v. Dennis Grubaugh</u> - Vandalia City Hall, Counsel Chamber, 219 S. Fifth St., Vandalia.
May 26 10:00 a.m.	PCB 92-17 UST-FRD	<u>Tim's Standard/Freeport v. EPA</u> - City of Freeport City Hall, Council Chambers, 230 W. Stephenson St., Freeport.
May 27 10:00 a.m.	AS 91-12 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's Cairo Public Water Supply Facility</u> - Alexander County Courthouse, Small Courtroom, 2000 Washington St., Cairo.
June 1 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
June 1 10:00 a.m.	PCB 91-260 UST-FRD	<u>Capital Asset Corp. and Industrial Investors Limited Partnership v. EPA</u> - Rockford State of Illinois Center, Third Floor Conference Room, 200 S. Wyman, Rockford.
June 2 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
<b>June 4</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

June 4 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
June 5 10:00 a.m.	PCB 92-49 UST-FRD	<u>Bernard Miller v. IEPA</u> - Newton City Hall, City Council Chambers, 108 N. Van Buren St., Newton.
June 9 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
June 9 10:00 a.m.	R91-23 R	<u>In the Matter of Marathon Oil Company Petition for Site-Specific Rule Change, 35 Ill. Adm. Code 303.323</u> - Courthouse Commercial, Conference Room 280, 301 S. Cross St., Robinson.
June 11 10:00 a.m.	PCB 92-31 UST-FRD	<u>City of Roodhouse v. EPA</u> - City of Roodhouse City Hall, 119 W. Palm St., Roodhouse.
June 23 9:30 a.m.	PCB 92-15 UST-FRD	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - Williamson County Courthouse, 200 W. Jefferson (adjacent to Courtroom #5), Marion.
June 24 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
<b>June 25</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 25 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 29 9:00 a.m.	PCB 91-250 P-A	<u>Pekin Energy Company v. EPA</u> - Pekin City Hall, Counsel Chambers, 400 Margaret St., Pekin.
June 30 10:00 a.m.	PCB 92-26 A&N-E	<u>Dale Dettlaff and Deborah Dettlaff v. Mr. Edwardo Boado, EPB Services, Inc.</u> - ELA Town Hall, 95 E. Main St., Lake Zurich.
June 30 11:00 a.m.	PCB 91-16 P-A	<u>Nicor National, Inc. v. EPA</u> - Madison County Courthouse, 155 N. Main St., Edwardsville.
July 1 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.
July 21 10:00 a.m.	AS 90-4 AS	<u>In the Matter of: Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria</u> - City Hall, Mayor's Conference Room, Second Floor, 200 Edison Ave., Granite City.
September 15 10:00 a.m.	PCB 91-201 UST-FRD	<u>RKF Enterprises v. EPA</u> - Benton City Hall, Council Room, 500 W. Main St., Benton.
September 24 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 25 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.

**Calendar Code**

A-C	Administrative Citation	A-E	Air Enforcement
A-S	Adjusted Standard	A-V	Air Variance
CSO	Combined Sewer	L-E	Land Enforcement

	Overflow Exception		
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-E	Underground Storage Tank Enforcement
UST-FRD	Underground Storage Tank Fund Reimbursement Determination		

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The Illinois Pollution Control Board 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:

John C. Marlin, Chairman  
Urbana, Illinois

Joan G. Anderson  
Western Springs, Illinois

Ronald C. Flemal  
DeKalb, Illinois

Bill S. Forcade  
Chicago, Illinois

G. Tanner Girard  
Grafton, Illinois

J. Theodore Meyer  
Chicago, Illinois

Michael L. Nardulli  
Chicago, Illinois

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

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