

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 474

September 8, 1993

BOARD CHARTS NEW COURSE FOR CONTESTED CASES; IN-HOUSE HEARING OFFICERS NAMED

On August 26, the Pollution Control Board initiated the first of what may be several significant changes in its contested case hearings program. Clearly the most significant change is the creation of a new Hearing Officers Unit. Two members of the Board's staff, Phillip Van Ness and Deborah Frank, will serve as the Board's first in-house hearing officers for contested cases. Van Ness will operate out of the Board's Chicago office while Frank will operate out of the Board's new Springfield office. As Chief Hearing Officer, Van Ness will also act as supervisor and contact person for the Board's thirty-plus contract hearing officers.

New Course for Contested Cases continued on page 4 (under For Your Information)

INFORMATION SERVICES AVAILABLE FROM THE BOARD

See the inside of this page for details on informational items available from the Board. These items include a subscription service for Board opinions and orders and copies of the landfill regulations in electronic format.

The Board also maintains an electronic Bulletin Board System (BBS) at 312-814-1590. There is no charge for access to the BBS. See the inside of this page for details.

RULEMAKING UPDATE

EMERGENCY RULE TO ALLOW OPEN BURNING OF FLOOD-GENERATED WASTES, R93-15

On August 20, 1993, the Board adopted an emergency rule that allows the open burning of certain wastes generated as a result of the Mississippi River flood emergency. The Board found the existence of "a threat to the public interest, safety or welfare" and that "no harm will result from such burning" in response to an Agency proposal filed on August 18.

The emergency rule allows the burning of flood-generated wastes in 20 counties that lie along the Mississippi River and its tributaries which have experienced severe flooding this summer.

The rule imposes certain conditions on the types of wastes burned and the conditions of the burning. The emergency rule allows the burning without a permit. The rule became effective on August 23, 1993, for a maximum of 150 days. J. Anderson concurred. Direct questions to Kathleen M. Crowley, at 312-814-6929. (Please refer to docket R93-15.)

UIC UPDATE ADOPTED FOR SECOND HALF OF 1992, R93-6

On August 5, 1993, the Board adopted an update to the underground injection control (UIC) regulations that included federal amendments for the period of July 1 through December 31, 1993. During that period, U.S. EPA undertook three distinct actions: a stay of a technical amendment to the Third-Third land

disposal restriction rules as they relate to newly-listed wastes, the imposition of land disposal restrictions for newly-listed wastes, and a revision of the testing and monitoring requirements. The Board adopted corresponding amendments. Direct questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-6.)

STYRENE PROPOSED FOR ADDITION TO LIST OF TOXIC AIR CONTAMINANTS, R90-1(D)

On August 26, 1993, the Board proposed to add styrene to the list of toxic air contaminants, under docket number R90-1(D). Styrene was originally proposed, together with 262 other chemicals, for inclusion on the list of toxic air contaminants. JCAR issued an objection to the inclusion of styrene in August, 1992. The Board severed styrene from the rest of the chemicals on the list for consideration in a separate docket. After again opening the issue of listing styrene for public comment, and after receiving three public comments and one response to the comments, the Board decided to again propose styrene for listing. Direct questions to Charles M. Feinen, at 217-524-8507. (Please refer to docket R90-1(D).)

RULEMAKING UPDATE continued on page 2

ENVIRONMENTAL INFORMATION SERVICES
AVAILABLE FROM THE BOARD

The Board has the following information available:

POLLUTION CONTROL BOARD ELECTRONIC BULLETIN BOARD SYSTEM (BBS). The Pollution Control Board operates an electronic BBS at 312-814-1590. The BBS is available 24 hours a day, 7 days a week, to anyone with access to a computer and a modem - there is no charge for access to the BBS. The best communications settings are 8 data bits (or data length 8), no parity (or parity = none) and 1 stop bit, i.e., 8-N-1. The best terminal emulation is ANSI-BBS or just ANSI. The BBS contains Board Agendas, Environmental Registers, Annual Reports, and various documents about the Board. You may download these documents to your computer. For additional information contact Bill Forcade at the Board Offices 312-814-3620.

SUBSCRIPTION SERVICE OF BOARD OPINIONS AND ORDERS. The subscription service comprises all the Opinions and Orders issued by the Pollution Control Board in a fiscal year (July 1 through June 30). The Board meets approximately twice monthly in order to issue Opinions and Orders.. Usually no later than the end of each month, a volume is issued containing the Opinions and Orders of the Board from the preceding month.

HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1992 (July 1, 1991 through June 30, 1992) **ARE AVAILABLE FOR IMMEDIATE DELIVERY.** The cost is \$350.00 per set.

Two formats will be offered starting July 1 of this year (FY93): a hard paper copy for \$350.00 per year and an electronic version for \$275.00 per year. The electronic version will consist of Opinions and Orders in the WordPerfect 5.1 format on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software.

When ordering, please specify the choice of either the hard copy or electronic version. If ordering the electronic version, please specify 3.5" or 5.25" diskettes.

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

Enclosed is a check in the amount of _____ made payable to the Illinois Pollution Control Board for the subscription service to the Board's opinions and orders.

Name _____
(FY92 available in hard copy only).
Address _____

Fiscal Year Ordered _____

City/State/Zip _____

Hard Copy _____

Hard Copy Cost per FY: \$350.00
Electronic Copy Cost for FY93: \$275.00

Electronic Copy _____

Disk Size _____

Please send to:(5.25" 1.2 MB or 3.5" 1.44 MB)
Joseph D'Alessandro
Illinois Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, IL 60601

AMENDMENTS TO EXISTING SITE-SPECIFIC RULE
PROPOSED FOR FIRST NOTICE, R93-8

On August 26, 1993, the Board proposed amendments to a site-specific rule for First Notice. The site-specific water pollution control rule involved applied to UNO-VEN's predecessor-in-

interest, Union Oil Co. of California, for the effluent from a refinery located in Will County, near Lemont. The Chicago Sanitary and Ship Canal is the re-

Site-Specific Amendments continued on page 3

COPIES OF ILLINOIS LANDFILL REGULATIONS AND SUPPORTING DOCUMENTS
AVAILABLE ON DISKETTE

Copies of the Illinois landfill regulations and supporting documents are available on diskette. This consists of the Board's landfill regulations and other supporting background documentation. This is offered only in an electronic version which consists of WordPerfect 5.1, on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software. The cost is \$100.00.

When ordering, please specify the choice of either the 3.5" or 5.25" diskettes.

DISKETTE SET FOR NONHAZARDOUS WASTE LANDFILL REGULATIONS

Enclosed is a check in the amount of \$_____ made payable to the Illinois Pollution Control Board for purchase of _____ set(s) of diskettes at \$100.00 per set.

Send Order to: Size of Diskette:

Name _____ 5.25" (1.2 MB) _____

Address _____ 3.5" (1.44 MB) _____

_____ Number of orders _____

Please send to:

Joseph D'Alessandro, Fiscal Officer
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph St., Ste 11-500
Chicago, IL 60601

Site-Specific Amendments continued from page 2

ceiving stream.

The proposed amendments would change the rule to reflect the change in ownership of the facility to the petitioner, UNOVEN Co.; they would add a monthly-averaged concentration-based effluent limitation for ammonia nitrogen; the amendments would require annual reporting of nitrogen in feedstock, and they would extend the ultimate expiration date of the rule until December 31, 2001. Direct questions to Diane O'Neill, at 312-814-6062. (Please refer to docket R93-8.)

DEADLINE EXTENDED FOR CONTINGENCY PLAN RULES, R92-18

On August 5, 1993, the Board issued an order that extends the deadline for adoption of an update of the state contingency plan regulations until February 10, 1994. The Board cited that the

reasons for delay are the same as those stated in the extension order of March 25, 1993 (*Environmental Register* no. 468): the General Assembly was expected to act in a way that might have affected the scope of the rulemaking mandate. The Board noted that the legislative session ended without such action, and it anticipated completion of this voluminous rulemaking some time around February 10, 1994. Direct Questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R92-18.)

HEARINGS SET FOR STEEL AND FOUNDRY LANDFILL AMENDMENTS, R90-26

The Board has scheduled public hearings on an industry-filed proposal to amend the Illinois landfill regulations. The proposal, originally filed on December 3, 1990 and amended May 13 and June 24, 1991 and May 13, 1993, was submitted by the Illinois Steel Group and the Illinois Cast Metals Association. This

proposal was an outgrowth of the 1990 adoption of the landfill regulations in R88-7. Those rules included an exclusion for wastes generated by foundries and primary steel production facilities if those facilities filed a rulemaking proposal relating to their wastes by December 1, 1990. The present proposal was filed in furtherance of that exclusion.

The Board adopted a proposal for public comment in this matter on February 7, 1991, and held public hearings in May and June, 1991 on that proposed rule. The Board intends to adopt a second First Notice order on the May 13, 1993 revised proposal in the near-future. The presently-scheduled public hearings relate to that revised proposal. The hearing dates and locations are as follows:

10:00 a.m., Friday, October 1, 1993
James R. Thompson Center
100 West Randolph Street, Room 9-040
Chicago

10:00 a.m., Wednesday, October 13, 1993
James R. Thompson Center
100 West Randolph Street, Room 9-025
Chicago (*SUBJECT TO CANCELLATION*)

The Hearing Officer will require the use of pre-filed testimony and exhibits, filed and served on all persons on the service list no later than September 17, 1993, and pre-filed questions, filed and served on all persons on the service list no later than September 24, 1993. The Hearing Officer has reserved the right to cancel the second day of hearing if it is unnecessary. Direct questions to Kathleen M. Crowley, at 312-814-6929. (Please refer to docket R90-26.)

FOR YOUR INFORMATION

New Course for Contested Cases continued from page 1

Van Ness is a 1975 graduate of the John Marshall Law School in Chicago. Prior to his new appointment, he served as the Board's Intergovernmental Affairs Attorney. Previous experience includes 1 year as the attorney assistant to Board Member Joan Anderson, 9 years as staff attorney with the Illinois EPA (IEPA) and 2 years as manager of the rules review section of the Joint Committee on Administrative Rules (JCAR). Frank is a 1992 graduate of the IIT Chicago-Kent College of Law. Before her new appointment, she was the attorney assistant to former Board Chairman John Marlin.

Last year, the Board's hearing officers handled over 130 contested case hearings throughout the State. Board hearing officers also managed the pre-hearing progress of scores of other contested cases which did not go to hearing last year. Some of those cases were resolved through pre-hearing settlement negotiations, while other cases were withdrawn; many others progressed to the hearing stage during the current calendar year.

Efficiency and Timeliness Stressed

The new program, which is still evolving, will place renewed emphasis on efficiency and timeliness. It will stress the importance of completing the hearing and briefing schedule at least 30 days before the Board's decision due date (in time-limited cases, the last regularly scheduled Board meeting date prior to the statutory deadline). This is intended to ensure that the Board has ample time to review, decide and articulate its decisions.

Under the new program, hearing officers will be encouraged to more actively manage open cases by, *inter alia*, requiring status reports and monitoring the progress of discovery and negotiations. Hearing officers will be authorized to order a case to hearing if it does not appear to be moving satisfactorily toward resolution or if further delay would be pointless.

The new program will also place emphasis on completing hearings once they have been scheduled. Review of Board data suggests that cancellation of scheduled hearings, particularly where public notice of such hearings has been published (as required by law), is a major cause of delay in Board proceedings. Where newspaper notice has to be re-issued, such delay is invariably measured in months. Such cancellations also have the undesirable effect of driving up Board hearing and notice costs. Under the new program, parties will note that cancellations and rescheduling will be harder to obtain, and that any extensions of time must be accomplished in a manner that assures the Board has ample time to consider the completed record.

Expedited Pre-hearing Process

Perhaps the single change that will be most apparent to practitioners will be the expedited procedure for issuing "set-for-hearing" orders. Currently, a case is not accepted for hearing until the Board formally issues an order authorizing the hearing and directing the hearing officer to schedule the hearing and related steps of the proceeding after consultation with the parties. Since at present the Board generally meets every other week, there is often a substantial delay (averaging more than three weeks) between the time a case is filed and the time the hearing officer is assigned and contacts the parties.

Under the new expedited procedures, the Board will generally issue an order authorizing hearing within 1 week of receipt of a properly completed petition or complaint. Thus, particularly in time-limited cases, hearing officers and the parties will have significantly more time for pre-hearing activities (pre-hearing conferences, discovery, negotiations, etc.). These activities will, it is hoped, encourage prompt settlement of some cases and refinement of disputed issues in other cases. The goal in all cases is to limit the number and duration of hearings to the minimum consistent with due process and to speed the resolution of disputes affecting the environment.

Other Changes Contemplated; Public Input Sought

At this writing, several additional changes are in the offing, including a revised training manual for hearing officers, revised Board forms and, possibly, revisions in Board procedural rules.

Board Chairman Claire A. Manning announced the new program. "It is the Board's hope that these structural changes will allow it to provide a more efficient hearing process while ensuring that the Board's need for a clear and timely hearing record is satisfied," she stated. "We earnestly request the public to take the time to share with us their ideas for improving the Board's hearing process in contested cases, and we thank those who have already provided so much assistance to us in this endeavor."

AGENCY SCHEDULES HEARINGS ON PROPOSED STATE IMPLEMENTATION PLAN SUBMITTAL

The Agency has scheduled hearings on a proposed State Implementation Plan Submittal (SIP revision) to U.S. EPA.

The proposed SIP revision includes a 15 percent further progress plan for the metropolitan Chicago and East St. Louis ozone non-attainment areas; photochemical assessment monitoring stations; the metropolitan Chicago and East St. Louis and Jersey County non-attainment areas Base Year Inventories of volatile organic material, nitrogen oxides, and carbon monoxide; and redesignation of Jersey County as attainment for ozone. Further details are provided in the notice beginning on page 12 in this issue.

FINAL ACTIONS - August 5, 1993 BOARD MEETING

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|--------|---|--------|---|
| 90-27 | <u>Shell Oil Company v. EPA</u> - The Board granted voluntary dismissal of this NPDES variance petition involving a Madison County facility. | | B. Forcade dissented. |
| 91-195 | <u>Scott and Karen Thomas v. Carry Companies of Illinois</u> - The Board found that the respondent's Macon County operations violated sections 9(a), 23 and 24 of the Act in this citizens' noise and air enforcement action and ordered it to study alternatives for control of its dust and noise emissions and report to the Board by December 1, 1993. J. Theodore Meyer concurred and R. Flemal dissented. | 93-116 | <u>People of the State of Illinois v. H.P. Smith, Inc., an Illinois corporation</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action involving a Cook County facility, imposed a \$27,000 civil penalty against the respondent, and ordered the respondent to cease and desist from further violation. J. Theodore Meyer dissented. |
| 93-83 | <u>Finks & Austman v. EPA</u> - The Board accepted a stipulation filed by the parties and directed the Agency to reimburse Finks & Austman \$876.94 in this underground storage tank reimbursement determination appeal involving a McLean County facility. | 93-117 | <u>People of the State of Illinois v. T.J. Harkins Basic Commodity Brokers, Inc., an Illinois corporation</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action involving a DuPage County facility, imposed a \$5,500 civil penalty against the respondent, and ordered the respondent to cease and desist from further violation. J. Theodore Meyer dissented. |
| 93-110 | <u>City of Byron v. EPA</u> - The Board granted this Ogle County facility a two-year variance with conditions from the standards of issuance and restricted status provisions of the public water supply regulations as they apply to radium-226 and radium-228. | 93-119 | <u>People of the State of Illinois v. Treasure Chest Advertising Company, Inc., an Illinois corporation</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action |

involving a DuPage County facility, imposed a \$18,500 civil penalty against the respondent, and ordered the respondent to cease and desist from further violation. J. Theodore Meyer dissented.

regulations, subject to conditions.

93-120 People of the State of Illinois v. Chicago Industrial Waste Haulers, Inc., an Illinois corporation - The Board accepted a stipulation and settlement agreement filed by the parties in this land enforcement action involving Cook and Sangamon County facilities, imposed a \$7,000 civil penalty against the respondent, and ordered the respondent to cease and desist from further violation. J. Theodore Meyer dissented.

AC 93-25 County of Jackson v. Bernice Wallace - The Board granted voluntary dismissal of this citation against a Jackson County facility.

R93-6 In the Matter of: UIC Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Adopted Rule, Final Order, Opinion and Order - See *Rulemaking Update*.

93-143 DuPage Enterprises, Inc. v. EPA - The Board dismissed this petition for review of an underground storage tank reimbursement determination involving a DuPage County facility as untimely filed.

AS 90-2 In the Matter of: Petition of Shell Oil Company for Adjusted Standard 35 Ill. Adm. Code 302.102, 302.208, and Subpart F, Procedure for Determining Water Quality Criteria - The Board granted voluntary dismissal of this petition for an adjusted standard from certain of the water pollution control regulations for this Madison County facility.

AS 91-6 In the Matter of: Petition of Dart Container Corporation of Illinois for Adjusted Standard from 35 Ill. Adm. Code 218.986(a) - The Board granted this Kane County facility an adjusted standard from certain of the air pollution control volatile organic emissions

NEW CASES - August 5, 1993 BOARD MEETING

93-135 City of Springfield, Illinois v. EPA - The Board held this petition for a variance from certain of the water pollution control regulations for a Sangamon County facility for agency recommendation.

93-137 Safety-Kleen Corporation (Caseyville Service/Accumulation Center) v. EPA - The Board accepted this RCRA permit appeal involving a St. Clair County facility for hearing.

93-136 Safety-Kleen Corporation (Caseyville Service Center) v. EPA - The Board accepted this RCRA permit appeal involving a St. Clair County facility for hearing.

93-138 Safety-Kleen Corporation (Urbana Service Center Facility) v. EPA - The Board accepted this RCRA permit appeal involving a Champaign County facility for hearing.

- 93-139 The Ensign-Bickford Company v. EPA - The Board accepted this petition for a variance from certain of the air pollution control regulations for a Union County facility for hearing.
- 93-140 CP Inorganics, Inc. v. EPA - The Board accepted this air permit appeal involving a Will County facility for hearing.
- 93-142 Haco, Inc. v. EPA - The Board accepted this RCRA permit appeal involving a Logan County facility for hearing.
- 93-143 DuPage Enterprises, Inc. v. EPA - See Final Actions.
- 93-144 People of the State of Illinois v. Anchor Glass Container Corporation - The Board ordered publication of a notice of filing of a stipulation and settlement agreement in this air enforcement action involving a LaSalle County facility.
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FINAL ACTIONS - August 20, 1993 SPECIAL BOARD MEETING

- 90-135 The Grigoleit Company, an Illinois 93-149 Precoat Metals v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a provisional variance with conditions from certain of the air pollution control volatile organic emissions limitations due to a failure during testing of emissions control equipment.
- 92-110 In the Matter of: Trade Secret Claim by the Grigoleit Company, an Illinois corporation - The Board granted a joint motion to remand both cases back to the Agency.
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NEW CASES - August 20, 1993 SPECIAL BOARD MEETING

- 93-149 Precoat Metals v. IEPA - See final Actions.
- R93-15 In the Matter of: Emergency Amendments to the Open-Burning Rules, 35 Ill. Adm. Code 327.121, Adopted Rule, Final Order - See Rulemaking Update.
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FINAL ACTIONS - August 26, 1993 BOARD MEETING

- 91-158 Commonwealth Edison (Crawford NPDES permit appeals involving Cook County facilities.
- 91-179 Generating Station) v. EPA & Commonwealth Edison (West Cermak Road in Chicago) v. EPA - The Board granted 91-178 Commonwealth Edison (Patterson Road in Joliet) v. EPA & voluntary dismissal of these consolidated

- 91-180 Commonwealth Edison (Larkin Avenue in Joliet) v. EPA - The Board granted voluntary dismissal of these consolidated NPDES permit appeals involving Will County facilities.
- 91-192 People of the State of Illinois v. Prairie Material Sales, an Illinois corporation - The Board accepted the a stipulation and settlement agreement, in which the Kane County respondent denied the alleged air violations, imposed a \$2,500 civil penalty payable into the Environmental Protection Trust Fund, and ordered the respondent to cease and desist from further violation.
- 91-199 Commonwealth Edison Company v. EPA - The Board granted voluntary dismissal of this NPDES permit appeal involving an Ogle County facility.
- 92-29 Safety-Kleen Corp. (Pekin-Tazewell County) v. EPA - The Board granted voluntary dismissal of this RCRA permit appeal involving a Tazewell and Peoria County facility.
- 92-117 IEI Barge Services, Inc. v. EPA - The Board granted voluntary dismissal of this air variance proceeding involving a Jo Daviess County facility.
- 92-121 People of the State of Illinois v. Minnesota Mining and Manufacturing Company a/k/a 3M, a Delaware corporation - The Board accepted the a stipulation and settlement agreement, in which the Rock Island County respondent neither admitted nor denied the alleged land pollution control violations, imposed a \$30,000 civil penalty payable into the Hazardous Waste Fund, and ordered the respondent to cease and desist from further violation.
- 92-140 Motor Wheel Corporation v. EPA - The Board granted voluntary dismissal of this RCRA permit appeal involving a LaSalle County facility.
- 92-142 In the Matter of: Petition of Illinois Power Company (Clinton Power Station) For Hearing Pursuant to 35 Ill. Adm. Code 302.211(j) to Determine Specific Thermal Standards - The Board granted this DeWitt County facility a thermal effluent standard with conditions.
- 92-203 Chuck & Dan's Auto Service v. EPA - The Board affirmed the Agency's denial of reimbursement of \$17,758.74 in handling charges in excess of 15 percent, \$355.00 in mileage charges, \$65.00 in shipping charges, and \$3000.00 in personnel costs incurred in preparing its request for reimbursement from the Underground Storage Tank Fund, and reversed Agency's denial of \$3,152.00 in reimbursement for tank removal costs at this LaSalle County facility. M. Nardulli dissented.
- 93-84 Consolidation Coal Company v. EPA - The Board affirmed the Agency's denial of eligibility for reimbursement from the Underground Storage Tank Fund for this Perry County facility.
- 93-100 ZMC, Inc. (Omni Products) v. EPA - The Board affirmed the Agency's denial of eligibility for reimbursement of \$16,167.45 in pre-notification corrective action costs from the Underground Storage Tank Fund for this Perry County facility.
- 93-133 People of the State of Illinois v. Blommer Chocolate Company, a Delaware corporation - The Board accepted a stipulation and settlement agreement, in which the Cook County respondent admitted air violations, imposed a \$20,000 civil penalty payable into the Environmental Protection Trust Fund, and ordered the respondent to cease and desist from further violation.
- 93-134 People of the State of Illinois v. Ecologic, Inc., d/b/a Zinc Company of America - The Board accepted a stipulation and settlement agreement, in which the Bureau County respondent denied the alleged air violations, imposed a \$19,500 civil penalty payable into the Environmental Protection Trust Fund, and ordered the respondent to cease and desist from further violation.
- 93-146 Sto-Jo Joint Venture v. EPA - The Board dismissed as unripe this underground storage tank reimbursement eligibility determination appeal involving a Cook County facility.
- 93-154 Village of Winnetka v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day provisional

variance from the prohibition against violation of a water quality standard to allow it to treat its water intakes against zebra mussel infesta-

tion at its Cook County facility.

- 93-155 Village of Monmouth v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day provisional variance from certain of the effluent quality standards to allow it to make repairs to certain equipment at its Warren County facility.
- AC 92-64 County of Ogle v. Rochelle Disposal Service, Inc. and City of Rochelle - The Board found that the respondents violated Section 21(o)(5) of the Act and imposed a \$500.00 civil penalty against this Ogle County facility.
- AC 93-27 EPA v. Oliver A. Smith - The Board granted voluntary dismissal of this administrative citation against a Macoupin County facility.
- AC 93-33 EPA v. Glenn Schriener - The Board granted voluntary dismissal of this administrative citation against a Mercer County facility.

NEW CASES - August 26, 1993 BOARD MEETING

- 93-145 People of the State of Illinois v. Monarch Asphalt Co. - The Board assigned this air enforcement action against a Logan County facility for hearing.
- 93-146 Sto-Jo Joint Venture v. EPA - See *Final Actions*.
- 93-147 Village of Grantfork v. EPA - The Board ordered the submission of more information in this public water supply variance proceeding involving a Madison County facility.
- 93-148 R. Lavin & Sons, Inc. v. EPA - The Board accepted this RCRA closure plan permit appeal involving a Lake County facility for hearing.
- 93-150 Robert Miehle v. Chicago Bridge and Iron Company - The Board held this citizen's underground storage tank enforcement action against a Cook County facility for a frivolous and duplicitous determination.
- 93-151 Mobil Oil Corporation v. EPA - The Board this petition for a variance from certain of the water pollution control regulations for a Will County facility for the Agency's recommendation.
- 93-152 Delta Air Lines, Inc. v. EPA - The Board accepted this RCRA closure plan permit appeal involving a Cook County facility for hearing.
- 93-153 The Grigoleit Company v. EPA - The Board held this request for trade secrets determination for a Macon County facility until the next Board meeting.
- 93-154 Village of Winnetka v. EPA - See *Final Actions*.
- 93-155 Village of Monmouth v. EPA - See *Final Actions*.
- AS 93-4 In the Matter of: Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811 (liner requirements) - The Board accepted this petition for a statewide adjusted standard from the landfill

liner requirements. B. Forcade and C. Manning dissented.

Peoria County facility.

AS 93-5 In the Matter of: Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811 (monofill) - The Board accepted this petition for a statewide adjusted standard from certain of the landfill requirements for monofills. B. Forcade and C. Manning dissented.

AS 93-8 In the Matter of: Petition of AKZO Chemicals, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811 (liner requirements) - The Board held this petition for an standard from certain of the water pollution control regulations for this Grundy County facility.

AS 93-7 In the Matter of: Petition of Keystone Steel and Wire for an Adjusted Standard from 35 Ill. Adm. Code 721.132 (hazardous waste delisting) - The Board accepted an amended petition for a hazardous waste delisting for a

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.

September 9 AS 92-14 Quantum Chemical Corporation, USI Division, Petition for Adjusted Standard
 10:00 a.m. Air from 35 Ill. Adm. Code 218 - Grundy County Courthouse, Old Courtroom, Second Floor, 111 East Washington Street, Morris.

September 17 AS 93-2 Borden Chemicals & Plastics Operating Limited Partnership, Petition for Adjusted
 10:00 a.m. NPDES Standard from 35 Ill. Adm. Code 302.208 - Illiopolis City Hall, Board Room, 5th Street, Illiopolis.

September 21 R 93-14 Reasonably Available Control Technology for Major Sources Emitting Volatile
 10:00 a.m. R, Air Organic Materials in the Chicago Ozone Nonattainment Area: 25 Tons (Amendments to 35 Ill. Adm. Code 211 and 218) - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.

September 23 **Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
10:30 a.m.

September 28 PCB 92-215 Douglas Locke and Nancy Locke v. Biltmore Country Club - Law Office of Arthur
 2:00 p.m. N-E, Citizens Wulfe, 100 North LaSalle, Suite 1710, Chicago.

September 28 PCB 93-55 Clarendon Hills/Bridal Center (Learsi & Co., Inc.) v. EPA - Clarendon Hills
 10:00 a.m. UST-FRD Village Hall, Board Room, 1 North Prospect Avenue, Clarendon Hills.

September 28 PCB 93-87 People of the State of Illinois v. South Holland Metal Finishing Co., Inc. - James
 9:00 a.m. A-E R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.

September 28 PCB 93-92 People of the State of Illinois v. Elkay Manufacturing Company - Oak Brook
 10:00 a.m. L-E Village Hall, Administration Building, 1200 Oak Brook Road (31st Street), Oak Brook.

September 29 10:00 a.m.	PCB 93-55 UST-FRD	<u>Clarendon Hills/Bridal Center (Learsi & Co., Inc.) v. EPA</u> - Clarendon Hills Village Hall, Board Room, 1 North Prospect Avenue, Clarendon Hills.
October 1 10:00 a.m.	AC 93-13 AC	<u>County of Will v. Arthur Hammel (Lockport Township/Hammel) Docket No. WC 93 AC 1</u> - Will County Courthouse, 14 West Jefferson Street, Joliet.
October 1 10:00 a.m.	R 90-26 Land	<u>In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations, 35 Ill. Adm. Code 810 through 815</u> , James R. Thompson Center, 100 West Randolph Street, Room 9-040, Chicago.
October 4 10:00 a.m.	PCB 93-142 P-A, RCRA	<u>HACO, Inc. v. EPA</u> - Logan County Courthouse, Room 36, 601 Broadway, Lincoln.
October 4 10:00 a.m.	R 93-14 R, Air	<u>Reasonably Available Control Technology for Major Sources Emitting Volatile Organic Materials in the Chicago Ozone Nonattainment Area: 25 Tons (Amendments to 35 Ill. Adm. Code 211 and 218)</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
October 5 9:30 a.m.	PCB 93-58 UST-E	<u>People of the State of Illinois v. Keller Oil Properties, Inc.</u> - Municipal Building, 8th & Monroe Street, Springfield.
October 7 10:00 a.m.	PCB 92-172 A-V	<u>Olin Corporation (Winchester Division) v. EPA</u> - Alton City Council Chambers, Room 104, 101 East 3d Street, Alton.
October 7 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
October 8 9:00 a.m.	PCB 92-161 P-A, NPDES	<u>National Steel Corporation, Granite City Steel Division v. EPA</u> - Madison County Administration Building, Room 208, 157 North Main Street, Edwardsville.
October 12 9:30 a.m.	PCB 93-85 A-E	<u>People of the State of Illinois v. Liquid Air Corporation</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
October 13 10:00 a.m.	R 90-26 Land	<u>In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations, 35 Ill. Adm. Code 810 through 815</u> , James R. Thompson Center, 100 West Randolph Street, Room 9-025, Chicago. (<i>SUBJECT TO CANCELLATION</i> at or after the October 13, 1993 hearing.)
October 20 10:00 a.m.	PCB 93-18 UST-FRD	<u>City of Roodhouse v. EPA</u> - Roodhouse City Hall, 119 West Palm Street, Roodhouse.
October 21 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
October 22 9:30 a.m.	PCB 92-210 UST-FRD	<u>Estate of Larry Junkin, by Patricia Junkin, Executrix v. EPA</u> - City of Champaign Municipal Building, City Council Chambers, 102 North Neil Street, Champaign.
October 26 10:00 a.m.	AS 91-12 Water	<u>Illinois American Water Company, Petition 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 Street, Cairo.
October 27 10:00 a.m.	PCB 92-166 P-A, NPDES	<u>Marathon Oil Company (Robinson Refinery) v. EPA</u> - Robinson Public Library, Meeting Room, 606 North Jefferson, Robinson.

October 27 10:00 a.m.	PCB 93-105 UST-FRD	<u>Divane Bros. Electric Co. v. EPA</u> - Law Offices of Delman & Hurwitz, Suite 1010, 4709 West Golf Road, Skokie.
November 4 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 16 10:00 a.m.	PCB 93-15 N-E, Citizens	<u>Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine</u> - Rockford Public Library, Meeting Room A, 215 North Wyman, Rockford.
November 18 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 2 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 6 9:00 a.m.	PCB 93-138 P-A, RCRA	<u>Safety-Kleen Corp (Urbana Service Center) v. EPA</u> - Urbana City Building, First Floor, 400 South Vine Street, Urbana.
December 7 9:00 a.m.	PCB 93-87 A-E	<u>People of the State of Illinois v. South Holland Metal Finishing Co., Inc.</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
December 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
January 6 10:00 a.m.	PCB 93-128 P-A, RCRA	<u>National Coatings, Inc. v. EPA</u> - County Board Room, Knox County Courthouse, 200 South Cherry Street, Galesburg.
January 10 9:00 a.m.	PCB 91-197 P-A, RCRA	<u>Cabot Corporation (Tuscola Facility) v. EPA</u> - Douglas County Courthouse, First Floor, County Board Room, 401 South Center Street, Tuscola.

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
S0 ₂	S0 ₂ 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		

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC HEARING ON PROPOSED
STATE IMPLEMENTATION PLAN SUBMITTAL

Date, Time & Place of Public Hearing:

Friday, October 15, 1993, 10:00 a.m.
Illinois Environmental Protection Agency Bureau of Air
1240 North Ninth Street, TQM training room
Springfield, Illinois 62794-9276

Other Pertinent Information:

The hearing will be held for the purpose of gathering public comment on the following State Implementation Plan submittals:

- 1) 15% Reasonable Further Progress Plan for Chicago and Metro-East (St. Louis) ozone nonattainment areas
- 2) Photochemical Assessment Monitoring Stations
- 3) The Chicago, Metro-East (St. Louis) and Jersey County ozone nonattainment area Base Year Inventories of 1990 for volatile organic material, oxides of nitrogen and carbon monoxide
- 4) Jersey County redesignation as attainment for ozone

Copies of the 15% Reasonable Further Progress statement for Chicago and Metro-East, the Photochemical Assessment Monitoring Stations proposal, the Chicago, Metro-East and Jersey County Base Year Inventory of 1990, and the redesignation proposal for Jersey County, may be viewed by the public prior to hearing during regular business hours (Monday through Friday, 8:30 a.m. until 4:30 p.m., except for state or national holidays) at the Illinois Environmental Protection Agency's office at 1240 North Ninth Street, Springfield, Illinois; 1701 South First Avenue, Maywood, Illinois; and at the Illinois Environmental Protection Agency's Regional Office in Collinsville, 2009 Mall Street, Collinsville, Illinois.

Appendix B "Individual 1990 Point Source Data Listing: VOM, NOx, CO" of the Illinois Environmental Protection Agency's ("Agency" or "IEPA") Base Year Inventory has been compiled on computer disk. The Agency will place a copy of this disk at each of the regional offices listed above. Security measures will be implemented to protect the integrity of the data. First, the data on each regional office disk will be in read only format. Second, each disk shall remain at the regional office. Finally, no walk-in requests for a copy of this disk or its contents will be accommodated.

Upon receipt of written request in Springfield, the IEPA will provide any individual with a disk containing Appendix B of the Base Year Inventory. Requests and public inquires should be directed to:

Kyle Nash Davis
Assistant Counsel
Bureau of Air
P.O.Box 19276
Springfield, Illinois 62794-9276
217/524-3333

In addition, please specify your request for data in either "database"¹ or "pure text" format. Allow five business days from mailing for delivery.

The hearing will be for the sole purpose of gathering public comment on the proposed submittals. Persons interested

¹ If your computer system is equipped for database software, this format will allow you to identify data relating to your business by searching for your facility id number.

in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing.

1. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
2. The hearing will be held under the provisions of the Agency's "Procedures for Informational and Quasi-Legislative Public Hearings," 35 Ill. Adm. Code 164. Copies of these rules may be obtained upon request from the IEPA Hearing Officer, see address below.

CLOSURE OF THE HEARING RECORD.

The Hearing Record will close on October 27, 1993. Written comments need not be notarized and should be postmarked before midnight October 27, 1993. Please mail written comments to:

John Williams
IEPA Hearing Officer
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62794-9276
Phone 217-782-5544

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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:

Claire A. Manning, Chairman
Springfield, 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.

Illinois Pollution Control Board
State of Illinois Center, 11-500
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(312) 814-3620

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