
ENVIRONMENTAL REGISTER

No. 489

***The Board and Staff Join Together in Wishing You
the Best of this Holiday Season and a Safe and Prosperous New Year***

GENERAL ASSEMBLY AMENDS LOCAL SITING APPROVAL PROVISIONS, H.B. 1594

On December 1, 1994, the General Assembly passed H.B. 1594. Among the amendments included in this bill is a set of simple amendments to the Environmental Protection Act (Act) and various other statutes, to remove the words "regional" and "nonregional" from all references to the statutorily-defined "regional pollution control facility". The revised usage is simply "pollution control facility". The primary substantive impact of this change is that pollution control facilities will be subject to local siting approval under Section 39.2 of the Act without regard to whether or not their intended service area is purely local. H.B. 1594 provides an immediate effective date for these amendments upon signature of the Governor.

GENERAL ASSEMBLY AMENDS VARIED PROVISIONS
OF THE ENVIRONMENTAL PROTECTION ACT, S.B. 1724

On November 30, 1994, the General Assembly adopted various amendments to the Environmental Protection Act (Act). The amendments of S.B. 1724 are varied:

Agency administration of indirect cost reimbursements: Section 4(k) of the Act would authorize the Illinois Environmental Protection Agency (Agency) to administer indirect cost reimbursements.

Payment and refund of air pollution operating permit fee: Section 9.6(a) clarifies that payment of the air pollution operating permit fee is required before permit issuance, and it is refundable if the requested permit is denied.

Deadline for Board adoption of compost standards: Sections 22.33(b), 22.34(b), and 22.35(b) would each, respectively, extend from December 1, 1994 to December 1, 1997 the deadline for Board adoption of landscape waste, organic waste, and mixed municipal waste compost facility, testing, and product standards. (See accompanying story below.)

S.B. 1724 continued on page 5

RULEMAKING UPDATE

LANDSCAPE WASTE COMPOST FACILITIES RULES ADOPTED, R93-29

On November 3, 1994, the Board adopted rules to regulate landscape waste management facilities in Illinois. The rules establish performance standards for landscape compost facilities and testing procedures and standards for end-product compost derived from landscape waste and offered for sale or use in Illinois.

This proceeding is one of three mandated by the Act. Section 22.33 requires that the Illinois Environmental Protection Agency (Agency) proposed standards for composting landscape wastes on or before January 1, 1994, and that the Board adopt such standards by December 1, 1994. (See S.B. 1724 above.) Sections 22.34 and

22.35 set forth similar mandates relating to composting organic waste and mixed municipal waste, and Section 22.35. The R93-29 rules address only the Section 22.33 mandate.

The Board formally accepted a December 30, 1993 proposal for landscape waste facilities from the Agency on January 20, 1994. The Board conducted a public hearing on the proposal on April 15 and proposed the rules for First Notice publication in the *Illinois Register* on June 30, 1994. On September 15, 1994, the Board proposed the rules for Second Notice Review by the Joint Committee on Administrative Rules (JCAR). The Board received JCAR's Certificate of No Objection on October 21, 1994, which freed the Board to adopt the rules. Direct questions to Kevin G. Desharnais, at 312-814-6929. Please refer to docket R93-29.

PART VII 15% ROP PROPOSAL FILED, PROPOSED FOR FIRST NOTICE & SET FOR HEARING, R94-33

On November 3, 1994 and at a special meeting held on November 18, 1994, the Board proposed three new parts of the Illinois 15 percent reduction of pollution (15% ROP) plan for First Notice publication in the *Illinois Register*. The Illinois Environmental Protection Agency (Agency) filed the new 15% ROP rulemaking proposals on October 28 (Part V, R94-31, and Part VI, R94-32) and November 14, 1994 (Part VII, R94-33). The Agency has filed seven separate 15% ROP Plan proposals to date, which the Board is dealing with under seven separate docket numbers. (Three of these rulemakings have been completed: R94-12, R94-16, and R94-16, as is explained in more detail below.) In sum, all the ROP plan segments would seek a 15 percent 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas, in order to fulfill requirements under the federal Clean Air Act (CAA). The Agency has stated that the state is federally required to reduce VOM emissions by 250 tons per day (tpd) in the Chicago area and by 27 tpd in the Metro-East area. (See *issues 483, June, 1994; 484, July, 1994; 485, Aug., 1994; 486, Sept., 1994; 487, Oct., 1994 & 488, Nov., 1994.*)

The Board accepted each of the seven 15% ROP plan rulemaking proposals pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act (Act). Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances. Under Section 28.5(o), the Board must have adopted the proposal for Second Notice within 130 days on receipt of the proposal from the Agency. Section 28.5(p) requires that the Board must adopt and file final rules based on the proposal within 21 days of when it receives a Certificate of No Objection from the Joint Committee on Administrative Rules (JCAR).

Part V 15% ROP Proposal, R94-31

On November 3, 1994, the Board proposed the Part V ROP amendments for First Notice publication in the *Illinois Register*. The Part V proposal contemplates lowering the VOM emissions from lithographic printing operations in the Chicago and Metro-East areas. The Part V proposal would add definitions of non-heatset and sheet-fed lithographic printing, as-applied foundation solution, and alcohol. The proposal would further establish control measures for VOM emissions from lithographic printers in the Chicago and Metro-East areas. The Part V proposal would also make minor corrective amendments to the existing regulations.

The Agency filed the Part V ROP plan proposal on October 28, 1994. The Agency stated that the federal Clean Air Act Amendments of 1990 required U.S. EPA to publish a control technology guideline (CTG) for the lithographic printing category within three years. U.S. EPA published a draft CTG in September, 1993, which is not yet finalized. In June, 1994, U.S. EPA published alternative control techniques (ACT) to aid the states in developing control regulations. According to the Agency, U.S. EPA has taken the position that the lack of final federal action on a CTG does not relieve the states from their obligation to impose controls.

The Agency stated that it contemplates that the Part V

amendments would affect about 113 facilities in the Chicago area and one source in the Metro-East area. It estimated that the Part V proposal would reduce VOM emissions by 4.0 tpd in the Chicago area and by minimal amounts in the Metro-East area.

The statute requires the Board to schedule three hearing dates, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant.

The Board has scheduled hearings to occur in R94-31 at the James R. Thompson Center, 100 West Randolph Street, Chicago, as follows:

Room 9-040: 10:30 a.m., Thursday, December 15, 1994
 Room 9-040: 10:30 a.m., Monday, January 9, 1995
 Room 9-040: 10:30 a.m., Tuesday, January 24, 1995

Direct questions on the Part V proposal to Kevin Desharnais, at 312-814-6926. Request copies of any November 3, 1994 Board action from Victoria Agyeman, at 312-814-6920. Please refer to docket R94-31.

Part VI 15% ROP Proposal, R94-32

On November 3, 1994, the Board proposed the Part VI ROP amendments for First Notice publication in the *Illinois Register*. The Part VI proposal contemplates lowering VOM emissions from motor vehicle refinishing operations in the Chicago and Metro-East areas.

The Part VI proposal would impose limitations on the VOM content of coatings and surface preparation materials, require the use of specific coatings applicators and applicator cleaning equipment, and provide a control equipment alternative. The proposal would further impose recordkeeping and reporting requirements on refinishers.

The Agency filed the Part VI ROP plan proposal on October 28, 1994. The Agency stated that it contemplates that the Part VI amendments would reduce VOM emissions by 16.3 tpd in the Chicago area. The Agency estimate of reduction of VOM emissions in the Metro-East area is 1.2 tpd.

The statute requires the Board to schedule three hearing dates, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant.

The Board has scheduled hearings to occur in R94-32 at the James R. Thompson Center, 100 West Randolph Street, Chicago, as follows:

Room 9-040: 10:30 a.m., Friday, December 16, 1994
Room 9-040: 10:30 a.m., Friday, January 13, 1995
Room 9-040: 10:30 a.m., Wednesday, January 25, 1995

Direct questions on the Part VI proposal to Audrey Lozuk, at 312-814-3473. Request copies from Victoria Agyeman, at 312-814-6920. Please refer to docket R94-32.

Part VII 15% ROP Proposal, R94-33

On November 18, 1994, the Board proposed the Part VII ROP amendments for First Notice publication in the *Illinois Register*. The Part VII proposal contemplates lowering VOM emissions from batch chemical processes having certain standard industrial classifications (SIC) codes in the Chicago and Metro-East areas. The SIC codes involved are 2821, 2833, 2834, 2861, 2865, 2869, and 2879. This includes a broad range of chemical manufacturing activities: plastic materials and resins (SIC 2821), medicinal chemicals and botanical production (SIC 2833), pharmaceutical operations (SIC 2834), gum and wood chemicals (SIC 2861), cyclic crudes and intermediates (SIC 2865), industrial organic chemicals (SIC 2869), and agricultural chemicals (SIC 2879). The Part VII proposal would also regulate emissions from Stepan Chemical Company's Millsdale facility, in Elwood. The proposal would further add definitions for "batch process train", "batch operation", "process vent", and "single unit operation".

The Agency filed the Part VII ROP plan proposal on November 14, 1994. The Agency stated that it contemplates that the Part VII amendments would reduce VOM emissions by 12.63 tpd in the Chicago area. The Agency estimate of reduction of VOM emissions in the Metro-East area is 0.36 tpd.

The statute requires the Board to schedule three hearing dates, each for a prescribed purpose. The first day of hearing is reserved for presentations by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant.

The Board has scheduled hearings to occur in R94-33 at the James R. Thompson Center, 100 West Randolph Street, Chicago, as follows:

Room 11-500: 10:00 a.m., Wednesday, January 4, 1995
Room 11-500: 10:00 a.m., Wednesday, February 1, 1995
Room 11-500: 10:00 a.m., Tuesday, February 14, 1995

Direct questions on the Part VII proposal to Audrey Lozuk, at 312-814-3473. Request copies from Victoria Agyeman, at 312-814-6920. Please refer to docket R94-33.

15% ROP Proposal Also Pending, R94-21

The Part IV 15% ROP proposal, docketed as R94-21, is presently pending in its First Notice period. The Board proposed the amendments for First Notice publication in the *Illinois Register* on

September 15, 1994. The Board conducted a public hearing on these proposed amendments on Friday, November 4, 1994, and two additional hearings are presently scheduled to occur at the James R. Thompson Center, 100 West Randolph Street, Chicago, as follows:

Room 9-025: 10:00 a.m., Friday, December 2, 1994
Room 9-040: 10:00 a.m., Friday, December 16, 1994

The second scheduled day of hearing is reserved for presentations by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the third hearing date is subject to cancellation if the level of public interest and participation so warrants.

The Part IV proposal contemplates lowering the VOM content of coatings for several categories of surface coaters: the can, paper, coil, fabric, vinyl, metal furniture, baked large appliance, and miscellaneous parts and products coating categories. The Part IV proposal would also impose reductions in VOM emissions from sources in the automotive/transportation and business machine plastic parts coating categories that exceed specified emissions levels. The proposal would further make the VOM emissions limits applicable to wood furniture coating operations at a lowered threshold. The Part IV proposal would also require specified controls on synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes and on bakery industry ovens. Finally, the amendments would make a number of minor amendments and corrections to the regulations, largely in response to comments submitted by U.S. EPA and affected entities. Direct questions on the Part IV proposal to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R94-21.

15% ROP Amendments Already Adopted, R94-12, R94-15 & R94-16

The Board has to date adopted three sets of amendments based on Agency 15% ROP proposals. These are the Parts I through III proposals, dockets R94-12, R94-15, and R94-16.

The Board adopted the Part I ROP proposal on September 15, 1994, under docket number R94-12. The Part I amendments require the use of pressure-vacuum relief valves on vent tubes at gasoline dispensing operations in both the Chicago and Metro-East areas and a lowering of the Reid vapor pressure (RVP) on gasoline from 9.0 psi to 7.2 psi in the Metro-East area. The vacuum-pressure relief aspects of these amendments are anticipated to reduce emissions by 4 tpd in the Chicago area and by 0.4 tpd in the Metro-East area. The use of 7.2 RVP fuel will reduce emissions 8.5 tpd in the Metro-East St. Louis area.

The Board adopted the Part II proposal on October 20, 1994, under docket number R94-15. The Part II amendments extended VOM emissions control measures to the loading of marine vessels and deletion of the exemption for barge loading from the regulations applicable to "Miscellaneous Fabricated Product Manufacturing Processes", "Miscellaneous Formulated Manufacturing Processes", "Miscellaneous Organic Chemical Manufacturing Processes", and

"Other Emissions Units" source categories. The record indicated that the Part II proposal would reduce the VOM emissions by 1.3 tpd in the Chicago area and by 11.82 tpd in the Metro-East area.

The Board adopted the Part III ROP proposal on October 20, 1994, under docket number R94-16. The Part III amendments made the standards of Parts 218 and 219, Subpart B, "Organic Emissions from Storage and Loading Operations", and Subpart V, "Total Resource Effectiveness" (TRE), more stringent. The Part III plan rules added the federal Control Technology Guidelines (CTG) and Alternative Control Technology (ACT) recommended controls for volatile organic liquids (VOLs) and volatile petroleum liquids (VPLs). It was anticipated that the TRE amendments will reduce VOM emissions by 4.05 tpd in the metropolitan Chicago area by 1996 and by an additional 1.58 tpd by 1999. The VOL/VPL amendments are anticipated to reduce the VOM emissions by 2.18 tpd in the Chicago area. No reductions were expected in the Metro-East area.

Request copies of the adopted R94-12, R94-15, or R94-16 amendments from Victoria Agyeman, at 312-814-6920. Please refer to the appropriate docket number.

UIC UPDATE AMENDMENTS ADOPTED, R94-5

On November 3, 1994, the Board adopted identical-in-substance amendments to the Illinois underground injection control (UIC) regulations. The proposed amendments are intended to include amendments to the federal UIC regulations adopted by U.S. EPA during the period July 1 through December 31, 1993. During this period, U.S. EPA amended its rules to clarify the current requirements for wells authorized by rule, the financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to propose a series of corrective amendments to the Illinois UIC rules. The first set of corrective amendments relates to references to federal regulations, and the second set relates to effective date references in the text and source notes.

The Board proposed the amendments for public comment on August 11, 1994 and accepted public comments on the proposed amendments for 45 days after the Notices of Proposed Amendments appeared in the *Illinois Register* on September 9, 1994. The identical-in-substance proceeding was not subject to Second Notice review by the Joint Committee on Administrative Rules before the Board was free to adopt amendments based on the proposal. The Board will delay filing the rules with the Secretary of State for at least 30 days after adoption, specifically to allow U.S. EPA an opportunity to comment on the amendments as adopted. Direct questions to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-5.

SITE-SPECIFIC WATER QUALITY FLUORIDE RULE FOR GENERAL MOTORS PROPOSED FOR SECOND NOTICE, R93-13

The Board proposed a site-specific fluoride rule for Second Notice review by the Joint Committee on Administrative Rules

(JCAR) on November 3, 1994. The proposed amendments would affect the fluoride water quality standard that applies to an unnamed tributary to the Vermilion River and a segment of the Vermilion River for 0.9 stream miles downstream of the confluence to the Indiana state line. They would increase the water quality standard from 5 milligrams per liter (mg/l) to 10 mg/l. The amended water quality standards would specifically increase the fluoride limitation as caused by the wastewater discharges of General Motors Corporation into the receiving stream.

The proposed amendments to Section 302.322 of the water pollution control regulations are based on a proposal filed June 23, 1993 by the General Motors Corporation. The Board conducted a public hearing on the proposal on April 26, 1994. The Board proposed the site-specific amendments for First Notice publication in the *Illinois Register* on September 1, 1994.

JCAR acknowledged receipt of the Second Notice package on November 15, 1994, and the Second Notice period will end on December 29, 1994. The Board will be free to adopt amendments based on the proposal after the Second Notice period expires or when it receives a Notice of No Objection from JCAR, whichever comes first. Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R93-13.

FOR YOUR INFORMATION

AGENCY TO HOLD WORKSHOP FOR VEHICLE SCRAPPING RULES

The Illinois Environmental Protection Agency (Agency) will conduct a public workshop to discuss rules relating to a vehicle scrapping program. The intent is to conduct vehicle scrapping operations to help reduce the emission of ozone precursors and help achieve the mandates of the federal Clean Air Act Amendments of 1990. The Agency intends to initially implement the program in the Chicago metropolitan area, with the possibility of future expansion into the metropolitan East St. Louis area. Both areas do not presently comply with the federal emissions requirements. The Agency stated that the prospective voluntary program would provide greater flexibility in

achieving the federal standards. The Agency intends a market-based program.

The workshop is scheduled for 9:30 a.m. to 12:30 p.m., Friday, December 16, 1994, in the 5th floor auditorium of the State of Illinois Building, 160 North LaSalle Street, Chicago. Direct questions to Gale Newton, of the Agency, at 217-785-5735.

BOARD MEMBER GIRARD TO SERVE ON MUSEUM ADVISORY COMMITTEE

In November 1994, Dr. G. Tanner Girard agreed to serve on a Citizens Advisory Committee to build the Mississippi River Museum and Learning Center. The museum, to be located at the Melvin Price Locks and Dam, in Alton, will be a showcase of the history, culture, navigation, transportation, recreation, ecology, and economy of the Mississippi River. The facility has the potential to attract 500,000 visitors per year. Construction of the facility will be federally funded.

The Citizens Advisory Committee will advise the U.S. Army Corps of Engineers on all facets of design, construction, and operation of the facility. Representative Jerry Costello will be Honorary Chairman of the Committee.

S.B. 1724 continued from page 1

Extension of time for filing a permit appeal to the Board: Sections 40(a)(1) and (c) and 40.2(a) would provide a mechanism for extending the deadline for filing a permit appeal to the Board from 35 days to 90 days by timely submission of a written notice to the Board.

Community service as a penalty for open dumping of construction debris: Section 44(a) would allow a court to impose from 50 to 300 hours of community service on a person convicted of open dumping of construction debris.

Environmental audit privilege: New Section 52.2 would create a privilege to encourage voluntary internal environmental audits. The report generated through such an audit is inadmissible and an "officer or employee" involved in the audit may not be examined with regard to the audit in any legal action, except under limited circumstances: the facility owner or operator must expressly waive the privilege or the court or Board may make certain determinations that would render it inapplicable. The court or Board may determine that the material is not subject to the privilege, that "the privilege is asserted for a fraudulent purpose", or that the material shows evidence of noncompliance and the owner or operator did not "undertake appropriate corrective action or eliminate any reported violation within a reasonable time." The owner or operator would bear the burden of demonstrating the applicability of the privilege. Within 30 days of a State's Attorney or Attorney General demand for disclosure of the material, the owner or operator must submit a written request for a in camera hearing on the applicability of the privilege. A failure to file a request for hearing would constitute a waiver of the privilege.

An order to compel disclosure could relate "to only those portions of an environmental audit report that are relevant to the issues in dispute". Certain information would not be subject to the privilege: material required to be reported or made available to a regulatory agency, material obtained by any regulatory agency, material obtained from "a source independent of the environmental audit". The new privilege would expressly not affect the scope or nature of any other legal privilege.

Qualification of ban on tires in landfills: Amended Section 55(b) would delay the July 1, 1994 effective date of the ban on landfill disposal of used and waste tires, and on mixing used and waste tires with municipal waste, until December 31, 1994.

New Section 55(b-1) would impose a qualified ban on landfill disposal of used and waste tires effective January 1, 1994, unless certain conditions are met. The landfill may accept used and waste tires for disposal if it has an Agency-permitted program for treating the tires and the tires are employed on-site for such uses as lining roadways, as alternative daily cover, or in a leachate collection system. The landfill may also accept used and waste tires for disposal 30 days after notification of their availability to the Illinois Industrial Materials Exchange Service (IIMES) and there has been no specific request for the tires. The landfill may further accept used and waste tires for disposal, as authorized by the Agency, if the tires' "physical

condition . . . makes shredding, slitting, chopping, reuse, reprocessing, or other alternative use . . . impractical or infeasible". This new provision would impose an affirmative obligation on landfills and used and waste tire management facilities to notify IIMES of the availability of and demand for used and waste tires, and to consult with IIMES on "the status of marketing of waste tires to facilities for reuse".

FINAL ACTIONS - November 3, 1994 BOARD MEETING

- | | | | |
|--------|--|----------|--|
| 86-2 | <u>Petition of the City of LaSalle for Exception to the Combined Sewer Overflow Regulations</u> - The Board granted this LaSalle County petitioner an extension of a temporary exception from the prohibition against discharge of combined sewer overflows until December 1, 1995, subject to conditions. The Board retained jurisdiction. | | air pollution control regulation that requires the installation and operation of Stage II vapor recovery equipment. |
| 94-198 | <u>Caterpillar, Inc. v. IEPA and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and Local 974, as Intervenors</u> - The Board construed the Peoria County petitioner's motion to dismiss as a motion to withdraw its petition for a variance from certain of the land pollution control regulations and granted the motion, closing the docket. | 94-319 | <u>Shell Oil Company v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day provisional variance for three of its Cook County gasoline dispensing facilities from the air pollution control regulation that requires the installation and operation of Stage II vapor recovery equipment. |
| 94-226 | <u>Boutin Cleaners v. IEPA</u> - The Board granted the Lake County petitioner's motion to withdraw this underground storage tank reimbursement determination, closing this docket. | AC 91-32 | <u>County of Ogle v. Rochelle Disposal Service, Inc., and City of Rochelle, Illinois</u> - Having previously found that the Ogle County respondent had violated the Act, the Board held that it now lacked the authority to assess hearing costs against the respondent and closed the docket. Board Member J. Theodore Meyer dissented. |
| 94-248 | <u>People of the State of Illinois v. Comerica Bank</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$15,000.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred. | AC 92-64 | <u>County of Ogle v. Rochelle Disposal Service, Inc., and City of Rochelle, Illinois</u> - Having previously found that the Ogle County respondent had violated the Act, the Board held that it now lacked the authority to assess hearing costs against the respondent and closed the docket. Board Member J. Theodore Meyer dissented. |
| 94-317 | <u>S&S Enterprises v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Lake County gasoline dispensing facility a 45-day provisional variance from the air pollution control regulation that requires the installation and operation of Stage II vapor recovery equipment by November 1, 1994. | AC 94-68 | <u>County of Macon v. Ruben Murrell</u> - The Board denied a motion to waive the recycled paper filing requirement and found that the administrative citation against a Macon County facility was improperly filed; it therefore dismissed the citation and closed the docket. |
| 94-318 | <u>Mobile Oil Corporation v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day provisional variance for two of its Cook County gasoline dispensing facilities from the | AC 94-78 | <u>IEPA v. Bill Isaacs</u> - The Board entered a default order, finding that the DeWitt County respondent had violated Section 21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00. |
| | | AC 94-79 | <u>IEPA v. 4B Realty Developers</u> - The Board entered a default order, finding that the Cook County respondent had violated Section |

	21(p)(1) of the Act and ordering it to pay a civil penalty of \$500.00.				petition for an adjusted standard from certain of the water pollution control regulations, since the petitioner had not complied with the notice publication requirements.
AC 94-80	<u>IEPA v. Gallatin National Company</u> - The Board entered a default order, finding that the Fulton County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.		R93-29	<u>In the Matter of: Regulation of Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830-832</u> - See Rulemaking Update.	
AS 94-14	<u>In the Matter of: Petition of the City of Wood River For Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a)</u> - The Board granted voluntary dismissal of this		R94-5	<u>In the Matter of: UIC Update, USEPA Regulations (June 1, 1993 through December 31, 1993)</u> - See Rulemaking Update.	
			R94-17	<u>In the Matter of: RCRA Update, USEPA Regulations (January 1, 1994 through June 30, 1994)</u> - See Rulemaking Update.	

NEW CASES - November 3, 1994 BOARD MEETING

94-222	<u>Village of Hoffman Estates v. IEPA</u> - The Board accepted an amended petition for a variance for this Cook County facility from certain of the public water supplies public notice requirements and held this matter for an Agency recommendation.		94-308	<u>ESG Watts, Inc. (Taylor Ridge) v. IEPA</u> - See PCB 94-306.	
			94-309	<u>ESG Watts, Inc. (Taylor Ridge) v. IEPA</u> - See PCB 94-306.	
94-240	<u>International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974; and Citizens For a Better Environmental v. Caterpillar, Inc.; IEPA, Party-in-Interest</u> - The Board determined that this citizen's RCRA enforcement action against a Tazewell County facility is not frivolous or duplicitous and accepted it for hearing. The Board on its own motion found the Agency a necessary party-in-interest.		94-310	<u>People of the State of Illinois v. Central Illinois Public Service Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Jasper County facility, the Board ordered publication of the required newspaper notice.	
94-305	<u>Russ' Service & Towing/Rock Falls v. IEPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Whiteside County facility for hearing.		94-311	<u>Boyd Brothers, Inc. v. Abandoned Mined Lands Reclamation Council</u> - The Board held this citizen's water enforcement action against a Williamson County facility for a frivolous or duplicitous determination.	
94-306	<u>ESG Watts, Inc. (Taylor Ridge) v. IEPA</u> - The Board accepted this land permit appeal involving a Rock Island County facility or hearing and, on its own motion, consolidated it together with simultaneously-filed land permit appeals in PCB 94-307, PCB 94-308, and PCB 94-309.		94-312	<u>Spraylat Corporation v. IEPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Cook County facility for hearing.	
			94-313	<u>Major & Sandhu Petroleum, Inc. v. IEPA</u> - The Board accepted this petition for a variance from the Stage II Gasoline Vapor recovery requirements of the air pollution control regulations for a Cook County facility for hearing.	
94-307	<u>ESG Watts, Inc. (Taylor Ridge) v. IEPA</u> - See PCB 94-306.		94-314	<u>Makhtiar Singh v. IEPA</u> - The Board accepted this petition for a variance from the Stage II Gasoline Vapor recovery requirements of the	

- | | | | |
|----------|--|----------|--|
| | air pollution control regulations for a Cook County facility for hearing. | AS 94-15 | <u>In the Matter of: Petition of Lone Star Industries, Inc. For an Adjusted Standard From 35 Ill. Adm. Code 811.320(d) (Establishment of Groundwater Background Concentrations)</u> - The Board accepted this petition for an adjusted standard for a LaSalle County facility from certain of the land pollution (landfill) regulations pertaining to establishing the concentration of contaminants in the groundwater at the facility, and, having received a filing which requested a hearing be held, the Board set this matter for hearing. |
| 94-315 | <u>People of the State of Illinois v. Modern Steel Treating Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. | | |
| 94-316 | <u>USA Waste of Illinois, Inc. v. IEPA</u> - The Board accepted an amended petition and set this land permit appeal involving a Cook County facility for hearing. | AS 94-16 | <u>In the Matter of: Petition of the City of Wood River For Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a)</u> - The Board granted the petitioner's motion to incorporate the petition filed under AS 94-14 for an adjusted standard from certain of the water pollution control regulations for this Madison County facility, but did not set it for hearing pending receipt of a certificate of publication. |
| 94-317 | <u>S&S Enterprises v. IEPA</u> - See Final Actions. | | |
| 94-318 | <u>Mobile Oil Corporation v. IEPA</u> - See Final Actions. | | |
| 94-319 | <u>Shell Oil Company v. IEPA</u> - See Final Actions. | R94-31 | <u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions - Part V: Control of Volatile Organic Compound Emissions From Lithographic Printing: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219</u> - See Rulemaking Update. |
| 94-320 | <u>Dorothy B. Kindy, d/b/a Rex's Service Station, Inc. v. IEPA</u> - The Board accepted this petition for a variance from the Stage II Gasoline Vapor recovery requirements of the air pollution control regulations for a Cook County facility for hearing. | R94-32 | <u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions - Part VI: Motor Vehicle Refinishing: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219</u> - See Rulemaking Update. |
| AS 94-14 | <u>In the Matter of: Petition of the City of Wood River For Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a)</u> - See Final Actions. | | |

NEW CASES - November 18, 1994 SPECIAL BOARD MEETING

- | | | |
|--------|--|---|
| R94-33 | <u>In the Matter of: 15% ROP Plan Control Measures For VOM Emissions - Part VII: Batch Operations: Amendments to 35 Ill.</u> | <u>Adm. Code Parts 211, 218, and 219</u> - See Rulemaking Update. |
|--------|--|---|

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.

December 1 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.	PCB 94-236 UST-FRD	<u>J.R. Meyers Company v. EPA</u> - County Building, Conference Room C, 18 North County Street, Waukegan.
December 2 10:00 a.m.	R 94-21 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part IV: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 2-025, 100 West Randolph Street, Chicago.
December 9 1:00 p.m.	PCB 94-259 L-V	<u>Atkinson Landfill Company v. EPA</u> - Henry County Courthouse, Second Floor, Small Court Room, Courthouse Square, Cambridge.
December 14 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 2-025, Chicago
December 15 10:00 a.m.	PCB 94-302 L-S-R, 3d P	<u>The Alter Group v. The Lake County Board and USA Waste Services, Inc. (Countryside Landfill)</u> - Lake County Courthouse, Assembly Room, 10th Floor, 18 North County Street, Waukegan.
December 15 10:30 a.m.	R 94-31 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part V: Control of Volatile Organic Compound Emissions from Lithographic Printing, Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
December 16 10:00 a.m.	PCB 94-302 L-S-R, 3d P	<u>The Alter Group v. The Lake County Board and USA Waste Services, Inc. (Countryside Landfill)</u> - Lake County Courthouse, Assembly Room, 10th Floor, 18 North County Street, Waukegan.
December 16 10:00 a.m.	R 94-21 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part IV: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
December 16 10:30 a.m.	R 94-32 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VI: Motor Vehicle Refinishing, Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
December 19 1:00 p.m.	PCB 94-202 RCRA-E	<u>People of the State of Illinois v. Summit Environmental Services, Inc.</u> - City Hall Building, 1529 3rd Street, Madison.
December 19 8:30 a.m.	PCB 94-262 L-S-R, 3d P	<u>Concerned Citizens of Williamson County, Rev. Paul Crain and Rose Rowell v. Bill Kibler Development Corp., a/k/a Kibler Development Corp., and Williamson County Board of Commissioners</u> - Herrin City hall, Council Chambers, 300 North Park Avenue, Herrin.
December 20 1:00 p.m.	PCB 94-299 A-V	<u>P & S, Inc. v. EPA</u> - Wood Dale City Hall, Council Chambers, 404 North Wood Dale Road, Wood Dale.

December 21 10:00 a.m.	PCB 93-179 P-A, NPDES	<u>IBP, Inc. (Joslin Facility) v. EPA</u> - County Building, Rock Island County Boardroom, 1504 Third Avenue, Rock Island.
December 21 9:30 a.m.	PCB 93-205 P-A, RCRA	<u>Safety-Kleen Corporation (Dolton Recycle Center) v. EPA</u> - James R. Thompson Center, 100 West Randolph Street, Room 11-500, Chicago.
December 21 1:00 p.m.	PCB 94-313 A-V	<u>Major & Sandhu Petroleum, Inc. v. EPA</u> - James R. Thompson Center, Suite 11-630, 100 West Randolph Street, Chicago.
December 21 2:30 p.m.	PCB 94-314 A-V	<u>Mukhtiar Singh v. EPA</u> - James R. Thompson Center, Suite 11-630, 100 West Randolph Street, Chicago.
December 22 9:00 a.m.	PCB 93-179 P-A, NPDES	<u>IBP, Inc. (Joslin Facility) v. EPA</u> - County Building, Rock Island County Boardroom, 1504 Third Avenue, Rock Island.
December 22 10:00 a.m.	PCB 94-320 A-V	<u>Dorothy B. Kindy, d/b/a Rex's Service Station, Inc. v. EPA</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
December 29 10:00 a.m.	PCB 94-215 UST-FRD	<u>Stroh Oil Company v. OSFM</u> - Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
December 30 1:30 p.m.	AC 94-76 AC	<u>Sangamon County v. SLC of Springfield, Inc.</u> - Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
January 4 10:00 a.m.	R 94-33 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VII: Control of Volatile Organic Compound Emissions from Batch Operations, Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
January 9 1:15 p.m.	PCB 94-305 UST-FRD	<u>Russ' Service & Towing/ Rock Falls v. EPA</u> - Coliseum Building, Courtroom # 1, 212 3rd Avenue, Sterling.
January 9 10:30 a.m.	R 94-31 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part V: Control of Volatile Organic Compound Emissions from Lithographic Printing, Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
January 12 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
January 13 10:30 a.m.	R 94-32 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VI: Motor Vehicle Refinishing, Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
January 16 10:00 a.m.	PCB 94-229 WWSE	<u>Village of Creve Coeur v. EPA</u> - Creve Coeur Village Hall, 101 North Thorncrest Avenue, Creve Coeur.
January 18 9:00 a.m.	PCB 94-255 UST-Appeal	<u>Marion Pepsi Cola v. EPA</u> - Centralia City Hall, Counsel Chambers, 622 South Poplar Street, Centralia.
January 18 11:00 a.m.	PCB 94-282 A-V	<u>UNO-VEN Company v. EPA</u> - Elmhurst City Hall, Council Chambers, Second Floor, 209 North York Street, Elmhurst.
January 18 3:00 p.m.	PCB 94-328 A-V	<u>W.R. Grace & Company - Connecticut v. EPA</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.

January 19 10:00 a.m.	R 94-2(B) R, Land	<u>In the Matter of: Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - County Board Chambers, 200 South Ninth Street, 2nd Floor, Springfield.</u>
January 20 10:00 a.m.	R 94-2(B) R, Land	<u>In the Matter of: Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - County Board Chambers, 200 South Ninth Street, 2nd Floor, Springfield.</u>
January 23 10:00 a.m.	PCB 94-321 A-V	<u>Emro Marketing Company (Romeoville facility) v. EPA -Monee Village Hall, 5130 West Court Street, Monee.</u>
January 23 11:00 a.m.	PCB 94-322 A-V	<u>Emro Marketing Company (Monee facility) v. EPA -Monee Village Hall, 5130 West Court Street, Monee.</u>
January 24 1:00 p.m.	AC 94-71 AC	<u>EPA v. Atkinson Landfill Company (Atkinson/Henry County Landfill #2) - Henry County Courthouse, Law Library, Third Floor, Courthouse Square, Cambridge.</u>
January 24 10:30 a.m.	R 94-31 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part V: Control of Volatile Organic Compound Emissions from Lithographic Printing, Amendments to 35 Ill. Adm. Code 211, 218 & 219 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
January 25 10:00 a.m.	AC 94-37 AC	<u>County of Ogle v. City of Rochelle, owner/operator, and Rochelle Disposal Service, Inc., operator under contract (Rochelle Municipal #2 Landfill) - Ogle County Courthouse, Basement Conference Room #5, 110 South Fourth Street, Oregon.</u>
January 25 10:30 a.m.	R 94-32 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VI: Motor Vehicle Refinishing, Amendments to 35 Ill. Adm. Code 211, 218 & 219 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
February 1 10:00 a.m.	R 94-33 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VII: Control of Volatile Organic Compound Emissions from Batch Operations, Amendments to 35 Ill. Adm. Code 211, 218 & 219 - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.</u>
February 14 10:00 a.m.	R 94-33 R, Air	<u>In the Matter of: 15% ROP Plan Control Measures for VOM Emissions--Part VII: Control of Volatile Organic Compound Emissions from Batch Operations, Amendments to 35 Ill. Adm. Code 211, 218 & 219 - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.</u>
February 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
February 22 10:00 a.m.	R 94-2(B) R, Land	<u>In the Matter of: Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
February 23 10:00 a.m.	R 94-2(B) R, Land	<u>In the Matter of: Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
March 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
May 18 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

June 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 21 1:00 p.m.	PCB 94-136 UST-FRD	<u>Elmhurst-Chicago Stone Company v. EPA</u> - DuPage County Board Office, Third Floor, 421 North County Farm Road, Wheaton.

Calendar Codes

3d P	Third Party Action	A-CA	Administrative Citation
A-E	Air Enforcement	A-SA	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting
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	RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)
S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule
T-C	Tax Certifications	T-S	Trade Secrets
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

**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 Don Brown at the Board Offices 312-814-3461.

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 1993 (July 1, 1992 through June 30, 1993) ARE AVAILABLE FOR IMMEDIATE DELIVERY. The cost is \$350.00 per set.

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 _____

Fiscal Year Ordered _____

Address _____

City/State/Zip _____

Hard Copy _____

Hard Copy Cost per FY: \$350.00

Please send to:
Joseph D'Alessandro
Illinois Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, IL 60601

Printed by Authority of the State of Illinois, December, 1994, 2,000 copies, order #57701.

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

Emmett E. Dunham II
Elmhurst, Illinois

Ronald C. Flemal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Joseph Yi
Park Ridge, Illinois

The Environmental Register is a newsletter published by the Board monthly. 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
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3620

Address Correction Requested.

Bulk Rate
U.S. Postage
PAID
Chicago, IL
Permit No.2088