

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 449

April 8, 1992

RULEMAKING UPDATE

BOARD REQUESTS PUBLIC COMMENT IN R87-37

On March 26, 1992, the Board directed all interested persons to submit comment in the R87-37 proceeding before May 15, 1992. The Board is asking that persons submit comments to update the record in this proceeding. The Board will then proceed as expeditiously as possible with this rulemaking.

BOARD DETERMINES NO ECIS IS NECESSARY IN R91-28, RACT EXPANSION FOR THE CHICAGO AREA

On March 26, 1992, the Board determined that an Economic Impact Study is not necessary for R91-28, the RACT expansion for the Chicago Area proceeding. The proposal is intended to expand the geographical applicability of reasonably available control technology (RACT) regulations to certain stationary sources of volatile organic material (VOM) in Goose Lake and Aux Sable Townships in Grundy County, Illinois, and to Oswego Township in Kendall County, Illinois.

The Board considered comments filed by the Illinois Environmental Protection Agency that cost information has already been included in the proposal. The Board determined that no EcIS is necessary, stating that the presentation of economic information at hearing and in comments in this proceeding should be sufficient for the Board's consideration of the economic impact of the proposed rule. The Board noted that it may change its determination pursuant to Section 27 of the Environmental Protection Act, if the proposal has been substantially

modified or if information in the record indicates that an economic impact study would be advisable.

Persons interested in the proposal should contact the hearing officer, Michelle C. Dresdow, at (815) 753-0947 for further information.

PUBLIC WATER SUPPLIES RESTRICTED STATUS AND CRITICAL REVIEW LISTS

The Illinois Environmental Protection Agency, Division of Public Water Supplies, Permit Section, is publishing copies of the Division's Restricted Status and Critical Review lists in this issue of the Environmental Register. The lists are being published here as part of the quarterly notification to the public. The lists have been slightly modified to reflect changes made since the previous publication.

FOR YOUR INFORMATION

BOARD REVIEW OF AGENCY UST FUND DECISIONS

On March 26, 1992, the Board clarified when the Illinois Environmental Protection Agency's (Agency) UST determinations are appealable to the Board. The Agency frequently makes reimbursement payments on a periodic basis during the course of corrective action. In The Pumper v. IEPA (PCB 91-262) and City of Roodhouse v. IEPA (PCB 92-31), the Board ruled that an applicant seeking reimbursement from the UST Fund may appeal an Agency determination on a claim for reimbursement even though other claims may be pending before the Agency or may be submitted in the future.

FINAL ACTIONS - MARCH 26, 1992 BOARD MEETING

PCB 88-52 City of Ottawa v. IEPA - The Board granted the City of Ottawa's motion for modification for its LaSalle County facility.

PCB 90-195 Caterpillar Inc. v. IEPA - The Board granted Caterpillar's motion to dismiss.

PCB 91-95 Staunton Landfill, Inc. v. IEPA - The Board affirmed the Agency's denial of Staunton Landfill's application for permit transfer and modification for a non-hazardous waste landfill for its Macoupin County facility.

PCB 91-119 White County Board v. IEPA - The Board granted White County Board a variance relief subject to conditions from 35 Ill. Adm. Code 406.106 and 406.108 for its White County facility.

PCB 91-129 People of the State of Illinois v. City of Bloomington - The Board accepted the Stipulation and Settlement Agreement in which respondent neither admitted nor denied alleged violations of the Act and Board air pollution regulations and agreed to pay a sum of \$5,500 to the Environmental Protection Trust Fund concerning its McLean County facility.

PCB 91-149 Minnesota Mining & Manufacturing Co., v. IEPA - The Board granted Minnesota Mining's motion to dismiss.

PCB 91-163 Clinton County Oil Co., Inc., Hoffman/Meier's Shell and Clarence Meier v. IEPA - The Board reversed the Agency's imposition of the \$50,000 underground storage tank deductible and the case was remanded for imposition of the \$10,000 deductible for the Clinton County facility. Board Members R. Flemal and B. Forcade dissented.

PCB 91-236 City of Kewanee v. IEPA - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to the standard for radium and gross alpha particle activity in drinking water concerning its Henry County facility. Board Member B. Forcade dissented.

PCB 92-11 Mac Lean-Fogg Co., v. IEPA - The Board granted Mac Lean-Fogg's motion to dismiss.

PCB 92-44 Mobil Oil Corp. v. IEPA - The Board granted the petitioner a provisional variance from 35 Ill. Adm. Code 722.134(b).

PCB 92-45 Lawrence Brothers, Inc. - The Board granted the petitioner a provisional variance from 35 Ill. Adm. Code 722.134(b).

PCB 92-46 Kearney-National, Inc. v. IEPA - The Board granted the petitioner a provisional variance from 35 Ill. Adm. Code 722.134(b)

AC 91-56 County of Jackson v. R & R Janitorial Service - The Board granted the County of Jackson's

motion to dismiss.

AC 92-6 County of Jackson v. James Quall - The Board dismissed this matter on its own motion, for failure to prove service as required by statute.

AC 92-7 Sangamon County v. ESG Watts, Inc. - The Board dismissed this matter on its own motion, for failure to prove service as required by statute.

AC 92-8 Logan County Health Department v. Lincoln/Logan Landfill - The Board found respondent violated Sections 21(o)(1), 21(o)(2), 21(o)(3), 21(o)(5), 21(o)(9), 21(o)(11) and 21(o)(12) of the Act, and imposed a penalty of \$3,500 payable to the Logan County Health Department.

AC 92-9 Sangamon County v. ESG Watts, Inc. - The Board dismissed this matter on its own motion, for failure to prove service as required by statute.

AC 92-10 St. Clair County v. Thomas Todd - The Board found respondent violated Sections 21(p)(1) and 21(p)(1) of the Act, and imposed a penalty of \$1,000 payable to the County Collector.

AS 92-2 In the Matter of: WE-SHRED-IT, Inc. Petition for Adjusted Standard - The Board denied the Agency's motion to dismiss.

R91-28 In the Matter of: Expansion of Applicability of Reasonably Available Control Technology for Ozone to Goose Lake and Aux Sable Townships in Grundy County, Illinois, and Oswego Township in Kendall County Illinois: Amendments to 35 Ill. Adm. Code Parts 215 and 218 - The Board found that the preparation of an EcIS need not be conducted at this time.

NEW CASES - MARCH 26, 1992 BOARD MEETING

PCB 92-26 Dale Dettlaff and Deborah Dettlaff v. Edward Boado and EPD Services, Inc. - The Board denied the complainants alleged violation of the Board's noise and air pollution regulations as duplicitous and frivolous. Accepted for hearing.

PCB 92-27 Richard J. Pecka, Janice M. Pecka v. Skylarks Remote Control Airplane Club & John Crown Golden Oaks Farm - The Board ordered each party in this proceeding to file a written document discussing whether the alleged violation of the noise regulations is an "organized amateur or professional sporting activity", which is outside the Board's authority to regulate.

PCB 92-40 Waste Hauling Inc. v. IEPA - The petition for permit review for its Will County facility was accepted for hearing.

PCB 92-41 Delta Air Lines, Inc. v. IEPA - The petition for hearing to review certain conditions imposed by the IEPA in its RCRA closure plan permit was granted. Accepted for hearing.

PCB 92-42 Burwell Oil Service, Inc. v. IEPA - The petition for review of an Underground Storage Tank Reimbursement Determination and motion seeking to waive compliance with 35 Ill. Adm. Code 101.103 for certain documents already filed was granted. Accepted for hearing.

PCB 92-44 Mobil Oil Corp. v. IEPA - See Final Actions.

PCB 92-43 Safety-Kleen Corp. v. IEPA - The Board granted the petition for review. Accepted for hearing.

PCB 92-45 Lawrence Brothers, Inc. v. IEPA - See Final Actions.

PCB 92-46 Kearney-National, Inc. v IEPA - See Final Actions.

PCB 92-47 Quantum Chemical Corp. v. IEPA - The Board granted the petition for permit review. Accepted for hearing.

CALENDAR OF HEARINGS

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

April 15 10:00 a.m.	PCB 91-184 P-A	<u>The C.P. Hall Company v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
April 16 10:00 a.m.	PCB 91-57 P-A	<u>Monsanto Company v. EPA</u> - Sauget Village Hall, 2897 Falling Springs Road, Sauget.
April 16 10:00 a.m.	PCB 92-30 UST-FRD	<u>Dynamic Hydra-Blasting, Inc. v. EPA</u> - Alton City Hall, 101 E. 3rd St., Alton.
April 16 10:30 a.m.	PCB 91-234 P-A	<u>Safety-Kleen Corp. (Pekin Facility) v. EPA</u> - Pekin City Council Chambers, 400 Margaret St., Pekin.
April 21 9:30 a.m.	PCB 92-28 UST- FRD	<u>CSX Transportation, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
April 21 10:00 a.m.	PCB 92-22 UST-FRD	<u>Warren's Service v. EPA</u> - Mercer County Courthouse, County Board Room, Aledo.
April 21 10:00 a.m.	PCB 92-25 L-S-R	<u>Land and Lakes Company, JMC Operation, Inc. and NBD Trust Company of Illinois as Trustee under Trust No. 2624EG v. Village of Romeoville</u> - Romeoville Village Hall, Board Room, 13 Montrose St., Romeoville.
April 22 9:00 a.m.	PCB 92-1 UST-FRD	<u>Russell L. Bacon v. EPA</u> - Law and Justice Center, Dining Room, 104 W. Front St., Bloomington.
April 23		<u>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</u>
April 24 10:00 a.m.	PCB 91-134 P-A	<u>Safety-Kleen Corporation (Elgin Recycle Center) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
April 29 9:00 a.m.	PCB 92-10 UST-FRD	<u>Kelly Williamson Company v. EPA</u> - Ogle County Courthouse, 4th & Washington Sts., State's Attorney's Conference Room, Oregon.
April 29 10:00 a.m.	PCB 90-201 N-E	<u>David L. Dravis and Margo Dravis v. M & D AG, Jerry McGinn, and Bert Davis</u> - Whiteside County Courthouse, 200 E. Knox St., Morrison.
April 29 1:00 p.m.	AC 91-45 AC	<u>County of Ogle v. Rochelle Disposal Services, Inc., Operator and City of Rochelle</u> -Ogle County Courthouse, 4th & Washington Sts., State's Attorney's Conference Room, Oregon.
April 30 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.
April 30 9:30 a.m.	PCB 91-154 L-E	<u>Carrell and Mary Bates v. Edward E. Brake; Ella F. Brake; Eugene Gale Heiser, in his individual capacity and d/b/a Heiser Oil & Gas Company, an Illinois Corporation</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
May 1 10:00 a.m.	AS 91-5 AS	<u>In the Matter of Elizabeth Street Foundry, Inc., an Illinois Corporation, Petition for Adjusted Standard, 35 Ill. Adm. Code 212.321</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.

May 7		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
May 7 9:30 a.m.	PCB 91-202 P-A	<u>Sherex Chemical Co., Inc. v. EPA</u> - Peoria County Courthouse, Board of Supervisors, Jefferson & Main Street, Peoria.
May 8 10:00 a.m.	AC 92-5 AC	<u>EPA v. Ronald D. and Retha M. Rawe</u> - Greene County Courthouse, Carrollton.
May 12 11:00 a.m.	R 91-28 R	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, Reasonably Available Control Technology - Geographical Expansion for the Chicago Consolidated Metropolitan Statistical Area</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, Oswego.
May 12 2:00 p.m.	R91-24 R	<u>In the Matter of: Exemptions from Definitions of VOM, 35 Ill. Adm. Code 218 and 219</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, Across from Fox Bend Golf Course) Oswego.
May 13 10:00 a.m.	PCB 91-237 P-A	<u>Laidlaw Environmental Services of Illinois Inc., v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.
May 13 10:00 a.m.	PCB 91-238 P-A	<u>Laidlaw Environmental Services of Illinois Inc., v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.
May 14 10:00 a.m.	PCB 92-36 UST-FRD	<u>City of Lake Forest v. EPA</u> - Lake Forest City Hall, 220 E. Deerpath, Lake Forest.
May 14 10:00 a.m.	AC 91-32 AC	<u>Ogles County v. Rochelle Services, Inc.</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
May 15 9:00 a.m.	PCB 91-195 A-E	<u>Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.</u> - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.
May 15 10:00 a.m.	PCB 91-83 UST-FRD	<u>Village of Lincolnwood v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
May 19 10:00 a.m.	AS 91-11 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's East St. Louis Public Water Supply Facility</u> - Alton City Hall, Council Chambers, Room 104, 101 E. Third St., Alton.
May 21		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
May 27 10:00 a.m.	AS 91-12 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's Cairo Public Water Supply Facility</u> - Alexander County Courthouse, Small Courtroom, 2000 Washington St., Cairo.
June 4		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 9 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
June 23 9:30 a.m.	PCB 92-15 UST-FRD	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - Williamson County Courthouse, 200 W. Jefferson (adjacent to Courtroom #5), Marion.
June 24	PCB 91-259	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third

10:00 a.m. UST-FRD Conference Room, Rockford.

June 25 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

June 25 PCB 91-259 City of Rockford v. IEPA - Rockford State of Illinois Building, 200 Wyman, Third
10:00 a.m. UST-FRD Conference Room, Rockford.

June 29 PCB 91-250 Pekin Energy Company v. EPA - Pekin City Hall, Counsel Chambers, 400
9:00 a.m. P-A Margaret St., Pekin.

June 30 PCB 91-16 Nicor National, Inc. v. EPA - Madison County Courthouse, 155 N. Main St.,
11:00 a.m. P-A Edwardsville.

July 21 AS 90-4 In the Matter of: Granite City Division of National Steel for Adjusted Standards
10:00 a.m. AS from 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F, Procedures for
Determining Water Quality Criteria - City Hall, Mayor's Conference Room,
Second Floor, 200 Edison Ave., Granite City.

September 15 PCB 91-201 RKF Enterprises v. EPA - Benton City Hall, Council Room, 500 W. Main St.,
10:00 a.m. UST-FRD Benton.

September 24 PCB 91-157 People of the State of Illinois v. The Grigoleit Company - Decatur Civic Center,
10:00 a.m. L-E Human Resources Conference Room, Second Floor, 1 Civic Center Plaza,
Decatur.

September 25 PCB 91-157 People of the State of Illinois v. The Grigoleit Company - Decatur Civic Center,
10:00 a.m. L-E Human Resources Conference Room, Second Floor, 1 Civic Center Plaza,
Decatur.

Calendar Code

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

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The Illinois Pollution Control Board is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

John C. Marlin, Chairman
Urbana, Illinois

Joan G. Anderson
Western Springs, Illinois

Ronald C. Flemal
DeKalb, Illinois

Bill S. Forcade
Chicago, Illinois

G. Tanner Girard
Grafton, Illinois

J. Theodore Meyer
Chicago, Illinois

Michael L. Nardulli
Chicago, Illinois

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

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