

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 473

August 4, 1993

BOARD SPRINGFIELD OFFICE OPENED

With the recent appointment of Claire A. Manning, of Williamsville, as its new Chairman, the Board has opened an office in Springfield. The new office address is Pollution Control Board, 600 South Second Street, Suite 402, Springfield, Illinois 62704. The office phone number is 217-524-8500, and the facsimile number is 217-524-8508.

The Chicago office remains the Board's principal office, and all filings should be directed to the Chicago office. The Springfield office will accept no filings at this time. Presently staffing the Springfield office are Chairman Manning, attorneys Charles M. Feinen and Musette H. Vogel, law clerk Suzanne L. Yokley, secretary Karen L. Lukow, and hearing officer Deborah Frank. *See For Your Information.*

The opening of the Springfield location coincided with the closure of the former Board office in Urbana. The Board still maintains its offices in DeKalb and Jerseyville, which remained unaffected by the opening of the Springfield office.

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.

BOARD GRANTS 45-DAY PROVISIONAL VARIANCE TO FLOODED COMPANY

At a special Board meeting on July 29, 1993, the Board granted an emergency 45-day provisional variance to the Knapheide Manufacturing Company to allow it to temporarily move its manufacturing operations from a flooded site in West Quincy, Missouri to Quincy, Illinois without complying with the Illinois air permit and volatile organic material emissions regulations.

The Board took this action, under docket number PCB 93-141, pursuant to the filing of a Provisional Variance Recommendation by Director Mary A. Gade of the Illinois Environmental Protection Agency (IEPA). The IEPA recommendation stated that compliance with the air construction and operating permit requirements and the volatile organic material emissions limitations of the Board's air pollution control regulations would impose an arbitrary or unreasonable hardship on the Knapheide Manufacturing Company. The recommendations stated that adverse environmental impacts resulting from the variance would be minimal.

Knapheide, an Illinois Corporation qualified to do business in Missouri, operated a fabricating plant in West Quincy, Missouri which was in the business of metal shaping, forming, and welding and fabrication of miscellaneous truck bodies. The Missouri facility is currently under sixteen feet of water. Knapheide has located an alternative facility in Quincy, Illinois. It has sought temporary relief from the Illinois construction and operating permit requirements and the volatile organic material emissions limitations regulations, so that it could resume operations without delay in its temporary facility across the river. Knapheide stated that it has already suffered significant business loss over the past several weeks by contributing the use of hundreds of its employees toward efforts to battle the flood.

Board Chairman Claire A. Manning stated: "Governor Edgar has made it clear to all of us in government that within our legal framework we should cooperate to the extent possible with the victims of the Great Flood of 1993, so that Illinois government works in a manner that assists the victims in resuming their operations and recovering from their damage. This is the first of many such requests we expect from the IEPA and from companies severely damaged by the flood for temporary emergency relief from the various environmental regulations. In each case, we will look to the need for ultimate environmental regulatory compliance in the context of the emergency and severity before us, so that both the environmental and economic interests of Illinois citizens are protected."

**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 _____ Fiscal Year Ordered _____

(FY92 available in hard copy only).

Address _____

City/State/Zip _____ Hard Copy _____

Hard Copy Cost per FY: \$350.00

Electronic Copy _____

Electronic Copy Cost for FY93: \$275.00

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

1992 WATERWAYS CRUISE AND ENVIRONMENTAL WORKSHOP

This year's Waterways Cruise and Environmental Workshop, sponsored by Eileen L. Johnston, is scheduled for Saturday, September 18, 1993. See inside for additional information and a form for making reservations.

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

RULEMAKING UPDATE

**SDWA UPDATE, FEDERAL PHASE V AMENDMENTS
ADOPTED, R93-1**

On July 14, 1993, the Board adopted amendments to the Illinois public water supply regulations based on U.S. EPA amendments that occurred in the period July 1 through December 31, 1992. During this SDWA update time-frame, USEPA adopted its Phase V amendments to the federal drinking water rules.

Adopted by the Board using identical-in-substance rulemaking procedures were new maximum contaminant levels (MCLs) and monitoring and notice requirements for five inorganic chemical contaminants, three volatile organic chemical contaminants, and 18 synthetic organic chemical contaminants. The Board also used this opportunity to undertake general housekeeping amendments and amendments to correct actions taken in prior SDWA update dockets. This included deleting the monitoring requirements for 14 formerly unregulated chemical contaminants for which USEPA now has MCLs and restoring the monitoring

requirements for 20 other unregulated chemical contaminants formerly deleted by the Board that USEPA never deleted. It also included restoring the former Illinois disinfection requirements as to certain groundwater suppliers that the Board had replaced with the more stringent federal requirements. direct questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-1.)

**DEADLINE EXTENDED FOR ADOPTION OF UIC
AMENDMENTS, R93-6**

On July 1, 1993, the Board adopted an order extending the deadline for adoption of the most recent proposed underground injection control (UIC) amendments docket, R93-6. The Board extended the deadline for adoption from July 20 to August 5, 1993 because delays in obtaining Illinois Register publication of the proposed amendments resulted in the public comment period ending on July 26.

The update docket, in which the Board proposed amendments on May 20, 1993, were based on USEPA amendments that occurred in the period July 1 through December 31, 1992. These included a stay of technical amendments to the so-called "Third-

Third" rules, as they relate to newly listed wastes; land disposal restrictions for newly-listed wastes; and revision of certain testing and monitoring requirements. Direct questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-6.)

CLEAN AIR ACT OMNIBUS CLEANUP RULEMAKING PROPOSED FOR SECOND NOTICE, R93-9

On July 22, 1993 the Board proposed for Second Notice, under docket number R93-9, the proposal filed this spring by the Illinois Environmental Protection Agency (Agency) for an omnibus cleanup of Illinois' Air Pollution Control regulations pertaining to emissions of volatile organic materials. (See *issue 468, April 7, 1993*.) The proceeding, entitled *In the Matter of: Omnibus Cleanup of Volatile Organic Materials RACT Rules Applicable to Ozone Nonattainment Areas*, would amend Parts 203 (permitting), 211 (general VOM provisions), 218 (Chicago metropolitan area VOM provisions), and 219 (Metro E. St. Louis metropolitan area VOM provisions). The Agency filed the proposal pursuant to Section 28.5 of the Environmental Protection Act. (415 ILCS 5/28.5.) 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. The proposal represents one segment of Illinois' submittal of a complete State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (USEPA).

Section 182(a) of the Clean Air Act Amendments of 1990 (CAAA) required Illinois to have adopted and submitted its proposed SIP by November 15, 1992. The purpose of the R93-9 proposal is to make certain corrections to parts 218 and 219 as suggested by USEPA for approval, to correct typographical errors, and to clarify the rules.

The Board conducted two public hearings on the proposal on May 7 and June 4, 1993. Public comments were received until June 22. Certain revisions from the First Notice version of the proposal occurred as a result of the testimony and comments received. The majority of those revisions relate to corrections of grammar and punctuation, changes in certain choices of wording, and changes in regulatory format. Certain other revisions have a more substantive impact. These include changes to certain definitions and the deletion of a requirement that facilities submit notices and reports to U.S. EPA under certain limited circumstances.

Direct questions to Diane O'Neill, at 312-814-6062. (Please refer to docket R93-9.)

CLEAN AIR ACT CHICAGO OZONE RACT 25 TONS PER YEAR RULEMAKING PROPOSAL ACCEPTED, PUBLISHED FOR FIRST NOTICE, R93-14

On July 22, 1993 the Board accepted for First Notice publication in the *Illinois Register*, under docket number R93-14, the proposal filed by the Illinois Environmental Protection Agency (Agency) for amendments to the Illinois' Air Pollution Control regulations pertaining to emissions of volatile organic materials in

the Chicago metropolitan statistical area. The proceeding, entitled *In the Matter of: Reasonably Available Control Technology for Major Sources Emitting Volatile Organic Materials in the Chicago Ozone Nonattainment Area: 25 Tons*, would amend Parts 211 (general VOM provisions) and 218 (Chicago metropolitan area VOM provisions). The Agency filed the proposal with the Board on July 22, 1993, pursuant to Section 28.5 of the Environmental Protection Act. (415 ILCS 5/28.5.) The proposal represents one segment of Illinois' submittal of a complete State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (USEPA).

Section 182(a) of the Clean Air Act Amendments of 1990 (CAAA) required Illinois to have adopted and submitted its proposed SIP by November 15, 1992. The purpose of the R93-14 proposal is to make certain modifications to Parts 211 and 218 for U.S. EPA approval. Among other amendments, the proposed amendments would make the RACT regulations applicable to sources that emit more than 25 tons of volatile organic material per year in the Chicago metropolitan area. The existing regulations impose a 100 ton per year threshold.

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. The statute requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. The first day of hearing is reserved for presentation by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentation 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. In these "fast-track" proceedings, the hearings are continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation without further notice if the level of public interest and participation so warrant.

All hearings will be held at the State of Illinois Center at 100 W. Randolph St., Chicago, Illinois and will begin at 10:00 a.m. The Board has scheduled the following hearing dates and rooms:

Tuesday, August 31, 1993	Room 9-040
Tuesday, September 21, 1993	Room 9-040
Monday, October 4, 1993	Room 11-500

Persons interested in participating in the hearings should contact the hearing officer, Elizabeth S. Harvey, at 312-814-6921, for additional information. (Please refer to docket R93-14.)

SMALLER SOURCE REVIEW RULEMAKING PROPOSED FOR FIRST NOTICE, R93-11

On July 22, 1993, the Board proposed for First Notice certain amendments to Parts 201 and 211 of the air pollution control regulations. The proposed amendments would extend the applicability of the air rules to include smaller sources emitting as little as 25 tons per year of pollutants. For further information

contact Michelle C. Dresdow, at 815-753-0947. (Please refer to docket R93-11.)

APPELLATE UPDATE

FIFTH DISTRICT VACATES BOARD AFFIRMANCE OF LOCAL SITING APPROVAL; COUNTY BOARD LACKED JURISDICTION BECAUSE PETITION WAS NOT FILED ON DATE CITED IN NOTICE

On June 18, 1993, the Fifth District appellate court vacated a Board order in *Clean Quality Resources, Inc. v. PCB* (June 18, 1993), No. 5-91-0690 (5th Dist.). In *Clean Quality Resources, Inc. v. Marion County Board* (Aug. 26, 1992), PCB 91-72, 125 PCB 507, the Board affirmed the Marion County Board's denial of siting approval for an aqueous hazardous waste treatment and storage facility. Clean Quality Resources appealed this decision to the Fifth District.

Just prior to the oral arguments on appeal, the Marion County Board filed a motion to dismiss the appeal. It argued that it lacked jurisdiction to review the petition because the filing of that petition did not comply with the public notice requirements of Section 39.2(b) of the Act.

The notice given stated that "Notice is hereby given that 14 days from today's date Clean Quality Resources, Inc. . . . shall apply for site approval to the Marion County Board" The siting application was actually filed 56 days after the notice was published in the newspaper. Clean Quality Resources responded that the Marion County Board was estopped from challenging its jurisdiction because it had earlier accepted jurisdiction.

The Fifth District followed the general rule that the question of subject matter jurisdiction can be raised at any time. The court further followed the rule that a party cannot waive or be estopped from raising the issue of subject matter jurisdiction. The court noted that the requirements of Section 39.2(b) must be followed in order to vest jurisdiction in the unit of local government reviewing the petition. It does not matter whether or not any actual prejudice resulted from any deficiencies in following the requirements. The Fifth District held that Clean Quality Resources' public notice of intent to file a petition for local siting approval was not sufficient to vest the Marion County Board. The failure to file the petition on the date specified in the notice deprived the county board of jurisdiction.

FOR YOUR INFORMATION

RESTRICTED STATUS AND CRITICAL REVIEW LISTS FOR SEWAGE TREATMENT IN THIS ISSUE

The Illinois Environmental Protection Agency, Division of Water Pollution Control, is publishing copies of the Division's Restricted Status and Critical Review lists at the end of this issue of the Environmental Register. These lists reflect the status as of June 30, 1993.

BOARD ADDS OFFICE AND STAFF AT NEW SPRINGFIELD OFFICE

As briefly reported on page 1 of this issue, the Board has added an office and staff in Springfield. The Chairman, two new attorneys, a law clerk, and a secretary will staff this new office.

One of the new attorneys, Musette H. Vogel, received her J.D. from DePaul University College of Law in 1990 and her B.A. from the University of Illinois, Champaign-Urbana in 1987. At DePaul, Ms. Vogel was a member of the law review (1988-89), a member of the New York Bar National Moot Court Team, an extern to the Hon. Brian B. Duff of the U.S. District Court for the Northern District of Illinois, and a PILI intern to the Mid-America Legal Foundation. She practiced with the law firms of Hodge & Dwyer, in Springfield, and Hubert & Associates, in Chicago, concentrating in the areas of environmental litigation and regulation, and acted as outside counsel to the Illinois Environmental Regulatory Group, an affiliate of the Illinois State Chamber of Commerce before joining Board staff. She was a co-author of a recent article: *Airlines in the wake of Deregulation: Bankruptcy as an Alternative to Economic Re-regulation*, 19 TRANS. L.J. 246 (1991).

The other new attorney, Charles M. Feinen, received his J.D. from Valparaiso University School of Law in 1991 and his B.A. from the University of Illinois, Champaign-Urbana in 1988. Before joining Board staff, Mr. Feinen was Assistant Counsel for the Illinois Environmental Protection Agency, a law clerk for the DuPage County State's Attorney Office, and a research assistant to Professor Robert Blomquist of the Valparaiso University School of Law. He did extensive research and wrote a memorandum on CERCLA case law and CERCLA defenses while a student at Valparaiso University.

The Chairman's new secretary, Karen Lukow, worked for the Department of Energy and Natural Resources, Office of Recycling and Waste Reduction before joining Board staff. Prior to working for the State of Illinois, Ms. Lukow travelled extensively with her family to various U.S. military installations in Illinois, Texas, Okinawa, Hong Kong, Wisconsin, and Colorado.

Originally from Wisconsin, Ms. Lukow attended Ripon College and Lake Land Junior College.

The law clerk added to staff, Suzanne L. Yokley, is a student at Washington University Law School in St. Louis. She anticipates graduating in 1995. Ms. Yokley received

her B.A. from the University of Illinois, Champaign-Urbana in 1992.

FINAL ACTIONS - July 1, 1993 BOARD MEETING

90-196	<u>Heico, Incorporated v. EPA</u> - The Board granted a motion to voluntarily dismiss this RCRA permit appeal involving a Kane County facility.		ordered the respondent to refrain from further violations.
92-26	<u>Dale & Deborah Dettlaff v. Eduardo P. Boado and EPB Park Services, Inc.</u> - The Board dismissed this citizens' air and noise action involving a Lake County facility on the merits after finding no violation.	93-98	<u>People of the State of Illinois v. 3216 Garage Corporation</u> , an Illinois corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility and imposed the \$2,500.00 penalty provided and ordered the respondent to refrain from further violations.
93-11	<u>Material Recovery Corporation v. Village in the Lake in the Hills</u> - The Board affirmed a local denial of siting approval for a proposed McHenry County regional pollution control facility.	93-125	<u>Clark Oil & Refining Corporation v. EPA (Provisional Variance)</u> - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 30-day extension of the 90-day accumulation time for hazardous wastes.
93-51	<u>St. Clair County v. Village of Sauget, Village of Sauget President and Board of Trustees, and G.J. Leasing Company, Inc., a corporation d/b/a Cahokia Marine Service</u> - On a third-party appeal, the Board affirmed a local denial of siting approval for a proposed St. Clair County regional pollution control facility.	AS 92-10	<u>In the Matter of: Southern Illinois Power Cooperative (Marion Power) For Adjusted Standards From 35 Ill. Adm. Code 302.208(e)</u> - The Board granted this Williamson County facility an adjusted standard from certain of the water pollution control regulations.
93-52	<u>Eugene Daly, Jane Schmit, Carl Williams, South Cook County Environmental Action Coalition v. Village of Robbins, and the Resource Recovery Company; Citizens for a Better Environment v. Village of Robbins, and the Resource Recovery Company</u> - On a third-party appeal, the Board affirmed a local grant of siting approval for a proposed Cook County regional pollution control facility. (Consolidated with PCB 93-54.)	AC 92-50	<u>Logan County Health Department v. Lincoln/Logan Landfill</u> - The Board found this Logan County facility in violation of various subsections of Sections 21(o) of the Act and ordered the payment of a \$3,500.00 civil penalty to the Logan County Health Department.
93-89	<u>People of the State of Illinois v. Richard O. Schulz Company, an Illinois corporation</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility and imposed the \$7,500.00 penalty provided and	AC 92-79	<u>Sangamon County Department of Public Health v. Lee Hsueh (Springfield/Hsueh)</u> - The Board found this Sangamon County facility in violation of Section 21(p)(1) of the Act and ordered the payment of a \$500.00 civil penalty to the Sangamon County Department of Public Health.

NEW CASES - July 1, 1993 BOARD MEETING

93-116	<u>People of the State of Illinois v. H.P. Smith, Inc.</u> - The Board accepted an agreed motion	for relief from the hearing requirement and ordered newspaper publication of the filing
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	of a stipulation and settlement agreement in this air enforcement action involving a Cook County facility.		Winnebago County facility for hearing.
93-117	<u>People of the State of Illinois v. T.J. Harkins Basic Commodity Brokers, Inc.</u> - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this air enforcement action involving a DuPage County facility.	93-122	<u>EMRO Marketing Company v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Lake County facility for hearing.
93-118	<u>People of the State of Illinois v. Marsco Manufacturing Company</u> - The Board held this air enforcement action involving a Cook County facility until the meeting of July 22.	93-123	<u>Earl Luster Trust v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Christian County facility, granted a stay, and ordered periodic status reports.
93-119	<u>People of the State of Illinois v. Treasure Chest Advertising Company</u> - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this air enforcement action involving a DuPage County facility.	93-124	<u>Tolles Realty Company v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Madison County facility, granted a stay, and ordered periodic status reports.
93-120	<u>People of the State of Illinois v. Chicago Industrial Waste Haulers, Inc.</u> - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this land enforcement action involving Cook and Sangamon County facilities.	93-125	<u>Clark Oil & Refining Corporation v. EPA</u> (Provisional Variance)- See Final Actions.
93-121	<u>Gunite Corporation v. EPA</u> - The Board accepted this land permit appeal involving a	93-126	<u>People of the State of Illinois v. Mechanical Plating Company</u> - The Board noted the filing of this air enforcement action involving a Cook County facility.
		R93-13	<u>Petition of General Motors Corporation to Amend 35 Ill. Adm. Code 303.322 (Site-Specific Regulation for Fluoride)</u> - The Board waived the statutory 200 signature requirement and accepted this water pollution control site-specific rulemaking petition for hearing, ordering the petitioner to serve a copy of the proposal on the Attorney General.

FINAL ACTIONS - July 14, 1993 SPECIAL BOARD MEETING

R93-1	<u>In the Matter of: Safe Drinking Water Act Update, Phase V Rules (July 1 1992 through December 31, 1992), Adopted Rule, Final Order, Opinion and Order</u> - <i>See Rulemaking Update.</i>	<u>Partnership v. IEPA</u> - The Board granted the Agency's motion for summary judgment and dismissed this underground storage tank reimbursement determination appeal involving a Cook County facility. J. Anderson dissented.
93-107	<u>J.J.R.S. Investments, an Illinois General</u>	

FINAL ACTIONS - July 22, 1993 BOARD MEETING

91-175	<u>Ball Corporation</u> - The Board granted	voluntary dismissal of this air permit appeal
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- involving a Cook County facility.
(Consolidated with PCB 91-258, PCB 92-150, and PCB 93-33.)
- 92-200 Ron's Interstate Sunoco - The Board granted the Agency's motion for default and dismissed this underground storage tank reimbursement determination appeal involving a Champaign County facility. J. Theodore Meyer dissented.
- 93-10 Pekin Metro Landfill - The Board granted the Agency's motion for summary judgment and dismissed this land permit appeal involving a Tazewell County facility.
- 93-109 People of the State of Illinois v. Granite City Pickling & Warehousing, Inc. - The Board accepted a stipulation and settlement agreement in this land enforcement action involving Sangamon and Madison County facilities and imposed a \$2,650.00 civil penalty payable into the Environmental Protection Trust Fund.
- 93-115 City of East Moline v. EPA - The Board granted voluntary withdrawal of this public water supply variance petition involving a Rock Island County facility.
- AC 92-26 County of Ogle v. City of Rochelle - Having previously found a violation, the Board assessed hearing costs in the amount of \$1,220.03 against the respondent.
- AC 92-33 St. Clair County v. James Alexander - Having previously found a violation, the Board assessed hearing costs in the amount of \$558.99 against the respondent.
- AC 92-62 EPA v. Bill Hammond - Having previously found a violation, the Board assessed hearing costs in the amount of \$912.50 against the respondent.
- AC 93-18 EPA v. Charles Logsdon - The Board granted an Agency motion to withdraw the administrative citation.
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NEW CASES - July 22, 1993 BOARD MEETING

- 93-118 People of the State of Illinois v. Marsco Manufacturing Company - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this air enforcement action involving a Cook County facility.
- 93-128 National Coatings, Inc. v. EPA - The Board accepted this RCRA permit appeal involving a Knox County facility for hearing.
- 93-129 PPG Industries, Inc. v. EPA - The Board accepted this NPDES permit appeal involving a Macon County facility for hearing.
- 93-130 Sall-Eclipse v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30 day provisional variance that extended the 90-day limitation on accumulation of hazardous waste at this Winnebago County facility.
- 93-131 Regis Chemical Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30 day provisional variance that extended the 90-day limitation on accumulation of hazardous waste at this Cook County facility.
- 93-132 Marsco Manufacturing Company v. EPA - The Board accepted this air permit appeal

involving a Cook County facility for hearing.

- 93-133 People of the State of Illinois v. Blommer Chocolate Company - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this air enforcement action involving a Cook County facility.
- 93-134 People of the State of Illinois v. Ecologic Inc. and Horsehead Industries, Inc. d/b/a Zinc Company of America - The Board accepted an agreed motion for relief from the hearing requirement and ordered newspaper publication of the filing of a stipulation and settlement agreement in this air enforcement action involving a Bureau County facility.
- R93-9 Omnibus Cleanup of the VOM RACT Rules, Proposed Rule, Second Notice, Opinion and Order - *See Rulemaking Update.*
- R93-11 Smaller Source Permit Rules, Proposed Rule, First Notice, Opinion and Order - *See Rulemaking Update.*
- R93-14 RACT for Major Sources Emitting Volatile Organic Materials in the Chicago Nonattainment Area: 25 Tons, Proposed Rule, First Notice, Opinion and Order - *See Rulemaking Update.*

FINAL ACTIONS - July 29, 1993 SPECIAL BOARD MEETING

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| 93-141 | <u>Knapheide Company v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted a provisional variance to allow the petitioner to operate a facility in Adams County without complying with certain of the | air pollution control permitting and emissions limitations requirements as a result of the flood emergency. See article beginning on page 1. |
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NEW CASES - July 29, 1993 SPECIAL BOARD MEETING

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| 93-141 | <u>Knapheide Company v. EPA</u> - See Final Actions. |
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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.

August 25 10:00 a.m.	PCB 93-60 P-A, Land	<u>Industrial Salvage, Inc. and John Prior v. EPA</u> - Centralia City Hall, 222 South Poplar, Centralia. (Consolidated with PCB 93-61.)
August 26 10:00 a.m.	PCB 93-60 P-A, Land	<u>Industrial Salvage, Inc. and John Prior v. EPA</u> - Centralia City Hall, 222 South Poplar, Centralia. (Consolidated with PCB 93-61.)
August 26 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
August 27 10:00 a.m.	PCB 93-121 P-A, Land	<u>Gunit Corporation v. EPA</u> - State of Illinois Building, Third Floor Conference Room, 200 South Wyman, Rockford.
August 27 10:00 a.m.	PCB 93-122 UST-FRD	<u>EMRO Marketing Company v. EPA</u> - College of Lake County, Room A 159, 19352 West Washington, Grayslake.
August 30 10:00 a.m.	AC 93-19 AC	<u>EPA v. Laidlaw Waste Systems, Inc. and Environmental Reclamation Company</u> - Charleston City Council Chambers, 520 Jackson Avenue, Charleston.
August 30 9:00 a.m.	PCB 92-117 A-V	<u>IEI Barge Services, Inc. v. EPA</u> - JoDaviess County Courthouse, County Board Room, 330 North Bench Street, Galena.
August 31 9:30 a.m.	PCB 93-58 UST-E	<u>People of the State of Illinois v. L. Keller Oil Properties, Inc.</u> - Springfield Municipal Building, Third Floor, 8th and Monroe Streets, Springfield.
August 31 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 9-040, 100 West Randolph Street, Chicago.
September 1 9:30 a.m.	PCB 93-58 UST-E	<u>People of the State of Illinois v. L. Keller Oil Properties, Inc.</u> - Springfield Municipal Building, Third Floor, 8th and Monroe Streets, Springfield.
September 7 10:00 a.m.	AC 93-13 AC	<u>County of Will v. Arthur Hamel (Lockport Township/Hammel)</u> Docket No. WC 93 AC 1 - Will County Courthouse (see Paula, Room 439), 14 West Jefferson Street, Joliet.
September 9 10:00 a.m.	AS 92-14 Air	<u>Quantum Chemical Corporation, USI Division, Petition for Adjusted Standard from 35 Ill. Adm. Code 218</u> - Grundy County Courthouse, Old Courtroom, Second Floor, 111 East Washington Street, Morris.
September 15 10:00 a.m.	PCB 93-129 P-A, NPDES	<u>PPG Industries, Inc. v. EPA</u> - Macon County Building, Attorney's Deposition Room, Second Floor West, 253 East Wood Street, Decatur
September 16 10:00 a.m.	PCB 93-128 P-A, RCRA	<u>National Coatings, Inc. v. EPA</u> - Knox County Courthouse, County Board Room, 200 West Cherry Street, Galesburg.
September 17 10:00 a.m.	AS 93-2 NPDES	<u>Borden Chemicals & Plastics Operating Limited Partnership, Petition for Adjusted Standard from 35 Ill. Adm. Code 302.208</u> - Illiopolis City Hall, Board Room, 5th

Street, Illiopolis.

September 21 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 9-040, 100 West Randolph Street, Chicago.
September 23 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
September 28 2:00 p.m.	PCB 92-215 N-E, Citizens	<u>Douglas Locke and Nancy Locke v. Biltmore Country Club</u> - Law Office of Arthur Wulfe, 100 North LaSalle, Suite 1710, Chicago.
September 28 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.
September 28 10:00 a.m.	PCB 93-92 L-E	<u>People of the State of Illinois v. Elkay Manufacturing Company</u> - Oak Brook Village Hall, Administration Building, 1200 Oak Brook Road (31st Street), Oak Brook.
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 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 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 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	PCB 92-166	<u>Marathon Oil Company (Robinson Refinery) v. EPA</u> - Robinson Public Library,

10:00 a.m.	P-A, NPDES	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 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 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

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
DIVISION OF WATER POLLUTION CONTROL
RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 1993.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bolingbrook STP 2**	Village of Bolingbrook	Will	0
Bourbonnais (Belle Aire Subd.)	Consumers Illinois Water	Kankakee	0
Cambridge STP	Village of Cambridge	Henry	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Carmi*	City of Carmi	White	0
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
DeKalb-NW 8" Submain	City of DeKalb	DeKalb	0
DuPage Utility Co.	DuPage Utility Co.	DuPage	0

Elmwood	City of Elmwood	Peoria	0
Farmington	City of Farmington	Fulton	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Villa	City of Lake Villa	Lake	0
Lake Zurich (NW) STP	Village Of Lake Zurich	Lake	0
Lake Zurich (SE) STP	Village of Lake Zurich	Lake	0
Oak Highlands S.D.*	Oak Highlands S.D.	Will	0
Riverton (Sewer System-Partial)	Village of Riverton	Sangamon	0
Shorewood STP	Village of Shorewood	Will	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Virden (Sewer System-Partial)	Virden S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report: Beecher STP, Lewistown-South Interceptor, Oglesby (Sewer System-Partial)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 1993.

Facility names followed by a double asterisk are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	COUNTY	REMAINING CAPACITY	PE ADDED SINCE LAST LIST
Antioch	Village of Antioch	Lake	0	0
Beecher STP**	Village of Beecher	Will***	0	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Braidwood STP	City of Braidwood	Will	0	63
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester		121	0
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Derby Meadows Utility Co. STP	Derby Meadows Utility Co.	Will	70	0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	9,554	7
DPCDEC Knollwood	DPCDEC	DuPage	478	169
Earlville	City of Earlville	LaSalle	297	0
East Dundee STP	Village of E. Dundee	Kane	1,721	70
Elkville	Village of Elkville	Jackson	9	0
Elmhurst	City of Elmhurst	DuPage	0	0
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	118	0
Herrin	City of Herrin	Williamson	***	0
Herscher	Village of Herscher	Kankakee	8	0
Hoopeston	City of Hoopeston'	Vermilion	22	0
Kildeer-Bishop-Ridge STP	Village of Kildeer	Lake	40	0
CLPWD-DeerfieldRd. Interceptor	0	County of Lake Public Works		Lake ***
	Department			
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	438
Milan	Village of Milan	Rock Island	1,415	0
Moline (North Slope)	City of Moline	Rock Island	1,151	49
O'Fallon	City of O'Fallon	St. Clair	1,281	99
Orangeville	Village of Orangeville	Stephenson	63	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	0	91
Rock Island (Main)	City of Rock Island	Rock Island	5,012	88
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0
Thompsonville STP**	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report: None

***Contact IEPA - Permit Section

MM:sp5439c/2-5

WATERWAYS CRUISE AND ENVIRONMENTAL WORKSHOP

EILEEN JOHNSTON is organizing another waterways cruise and floating seminar for Saturday, September 18, 1993. The floating seminar is planned to discuss areas of environmental concern and the progress made in solving problems since the first Earth Day in 1970. Participants will view pictures of what the areas looked like twenty years ago. Speakers from state and federal agencies and industries will discuss the environmental progress made, pollution abatement and current problems.

The cruise is on the Wendella and is 72 miles long. Participants will view the ever changing and exciting shoreline and skyline of Chicago and northern Indiana, and the waterways of the Calumet Sag Channel, Calumet River and I & M Shipping Canal. The cruise also passes steel mills, new water reclamation facilities, barges, landfills and the canyon of city skyscrapers.

Eileen's cruise serves to demonstrate the environmental challenges facing our country due to the dramatic impact of man on the environment. Some of the questions addressed during the floating seminar include: What progress has been made? Can we eat fish from the lake? How are environmental regulations proposed and enforced?

Participants meet at 8:45 a.m. at the foot of the Wrigley Building, and we return before 4 p.m. Parking facilities are located west of the building, allow time to locate a space. Use public transportation if possible. Be prompt, don't miss the boat!! Bring your lunch. Soft drinks are sold on board. Warm clothes and head gear are in order. The cost is \$45, \$35 for full time students. Send checks to:

Eileen Johnston, 505 Maple Avenue, Wilmette, IL 60091; 708-251-4386

Please make reservation before September 10, 1993. Space is limited, so the sooner the better!

Name _____

School, Firm, Group _____

Address _____

Phone _____

Ticket No. _____ Amount Enclosed _____

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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
Williamsville, 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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