

# ENVIRONMENTAL REGISTER

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**No. 437**

**October 9, 1991**

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## **BOARD ADOPTS SECOND NOTICE IN R89-5, GROUNDWATER PROTECTION: REGULATIONS FOR EXISTING AND NEW ACTIVITIES WITHIN SETBACK ZONES AND REGULATED RECHARGE AREAS ("TECHNICAL STANDARDS")**

On September 12, 1991, the Board adopted a Second Notice Opinion and Order (7-0 Opinion and Order of the Board by R.C. Flemal, J.D. Dumelle and B. Forcade concurring, and Supplemental Opinion by J. Anderson). The rulemaking is being conducted pursuant to Section 14.4 of the Environmental Protection Act which mandates that the Board adopt regulations prescribing standards and requirements for certain activities within setback zones and regulated recharge areas. The affected activities include, in general, those activities that offer significant potential for producing groundwater contamination. Affected activities in the proposed rule are landfilling, land treating, surface impounding, piling of wastes, use of underground storage tanks, storage of pesticides, fertilizer, road oil, or de-icing agents.

The Board ordered that the rules, as amended in response to comments, be submitted to the Joint Committee on Administrative Rules. Interested persons should contact Michelle Dresdow, (815) 753-0947.

## **BOARD REPROPOSES AIR TOXICS LIST FOR FIRST NOTICE, R90-1**

On September 26, 1991 the Board voted (7-0) to send the Illinois Environmental Protection Agency's Air Toxics List proposal (R90-1) to second first notice. The list of 266 toxic air contaminants, its carcinogen and toxicology scoring scheme, and listing and delisting procedures will be published shortly in the Illinois Register. The proposal now lists all toxic air contaminants whether emitted in Illinois or not.

The Board's second first notice Opinion and Order can be obtained from the Clerk of the Board at (312) 814-3620. Questions regarding the proposed rule should be directed to Mark P. Miller at (217) 333-5574.

## **FINAL NOTICE FOR PM-10 EMISSION LIMITS, R91-6**

On September 26, 1991, the Board voted 7-0 to adopt for second notice the regulation involving PM-10 emissions for the portland cement manufacturing plant and quarry operations of Lone Star Industries in Oglesby, LaSalle County. This rulemaking is federally required and will become part of the Illinois State Implementation Plan ("SIP") for PM-10.

Copies of the Board's final opinion and order are available upon request from the Clerk of the Board at (312) 814-3620. Questions concerning this proposal may be directed to Marie E. Tipsord at 312/814-4925.

## **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.

## **BOARD AND STAFF ACTIVITIES**

Board Member Ronald Flemal spoke at a meeting of the Central Regional Groundwater Protection Planning Committee on October 2, 1991. He spoke on the Board's role in developing groundwater protection regulations.

**FINAL ACTIONS - SEPTEMBER 26, 1991 BOARD MEETING**

- PCB 88-175     Jefferson Smurfit Corp. v. IEPA - This matter was remanded to the Agency and the docket closed.
- PCB 90-188     American Steel & Wire Corp. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 91-60     People of the State of Illinois v. Thomas Steel Corp. an Illinois Corporation et al. - The Board accepted the Stipulation and Settlement Agreement in which respondents agreed to pay a sum of \$1,000 designated to the Environmental Protection Trust Fund concerning its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 91-88     County of Lake (Vernon Hills Water Supply System) 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 combined radium-226 and radium-228 in drinking water for its Lake County facility. Board Member B. Forcade dissented. Board Member J.D. Dumelle concurred.
- PCB 91-89)  
PCB 91-90)     Citizens for Controlled Landfills et al v. Laidlaw Waste Systems, Inc. et al. - The Board affirmed the decision of the St. Clair County Board to approve site location expansion for a landfill facility in St. Clair County.
- PCB 91-96     The Ensign Bickford Co. v. IEPA - The Board granted petitioner variance, with conditions, from the Board's air pollution regulations concerning open burning of explosive contaminated equipment at its Union County facility. Board Member B. Forcade dissented. Board Member J.D. Dumelle concurred.
- PCB 91-107     Village of Oak Brook 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 combined radium-226 and radium-228 standard in drinking water for its DuPage/Cook County facility. Board Member B. Forcade dissented. Board Member J.D. Dumelle concurred.
- PCB 91-110     Indian Refining Limited Partnership v. IEPA - The Board granted petitioner's motion for reconsideration of its July 25, 1991 order dismissing petitioner's permit appeal, and affirmed the dismissal.
- PCB 91-177     DeKalb Sanitary District v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations concerning the ammonia nitrogen, biochemical oxygen demand and suspended solids effluent requirements for its DeKalb facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-181     Material Service Corp. & City of Georgetown v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations concerning its Vermillion County facility. Board Member J.D. Dumelle concurred.
- R91-6     In The Matter Of: PM-10 Emission Limits for the Portland Cement Manufacturing Plant and Associated Quarry Operations Located South of the Illinois River in LaSalle County, Illinois - This rulemaking establishes PM-10 emission limits for a single facility owned and operated by Lone Star Industries in Oglesby, Illinois.

**NEW CASES - SEPTEMBER 26, 1991 BOARD MEETING**

- PCB 91-136     Don Bolander v. Monticello Bus Service, Wayne Kruger - Complainant alleges violations of the Board's noise regulations at respondent's Piatt County facility. The Board granted petitioner's request for additional time to respondent to the complaint and ordered respondent to file its response no later than October 28, 1991. Board Member J. D. Dumelle dissented.
- PCB 91-152     Envirite Corp. v. IEPA and Peoria Disposal Co. et al. - Complainant alleges violations of the Act relating to hazardous wastes at a Peoria County Landfill. Held until October 10, 1991.
- PCB 91-153     Clyde R. Dace v. D. Kohlhasse, Fire Chief, Fox River Grove Fire Protection District - Complainants allege violations of the Board's noise pollution regulations at respondent's McHenry County facility. Held until October 10, 1991.
- PCB 91-154     Carrell and Mary Bates v. Edward E. Brake et al. -Complainants allege contamination from underground

- storage tank leaks at respondent's Champaign County facility. The Board found the complaint not duplicitous/frivolous. Accepted for hearing.
- PCB 91-171 Monsanto Co. v. IEPA - Petitioner seeks air permit review for its St. Clair County facility. Accepted for hearing.
- PCB 91-172 John Plosila v. Bandito Barney's et al. - Complainant alleges violations of the Board's noise pollution regulations at respondent's Kane County facility. Held for duplicitous/frivolous determination.
- PCB 91-173 Marathon Oil Co. v. IEPA - Petitioner seeks NPDES variance for its Crawford County facility. Accepted for hearing.
- PCB 91-174 Enterprise Leasing Co. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Cook County facility. Accepted for hearing.
- PCB 91-175 Ball Corp., Ball Metal Decorating and Service Division v. IEPA - Petitioner seeks air permit review concerning its Cook County facility. Accepted for hearing.
- PCB 91-176 M & D Flexographic Printers, Inc. v. IEPA - Petitioner seeks variance from the Board's air pollution regulations concerning its Cook County facility. Accepted for hearing.
- PCB 91-177 DeKalb Sanitary District v. IEPA - See Final Actions.
- PCB 91-178 Commonwealth Edison Co. (Patterson Road in Joliet) v. IEPA - Petitioner seeks NPDES permit review concerning its Will County facility. Accepted for hearing.
- PCB 91-179 Commonwealth Edison Co. (West Cermak Road in Chicago) v. IEPA - Petitioner seeks NPDES permit review concerning its Cook County facility. Accepted for hearing.
- PCB 91-180 Commonwealth Edison Co. (Larkin Avenue in Joliet) v. IEPA - Petitioner seeks NPDES permit review concerning its Will County facility. Accepted for hearing.
- PCB 91-181 Material Service Co. & City of Georgetown v. IEPA - See Final Actions.

### CALENDAR

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|--------------------------|---------|--|
| October 11<br>10:00 a.m. | A-C     | <u>County of Jackson v. William S. Popejoy, Sr.</u> - AC 91-34, Jackson County Courthouse, Courtroom, Murphysboro.   |
| October 15<br>10:00 a.m. | N-E     | <u>Susan Curtis and Marcy Diesing v. Material Service Corporation</u> - PCB 91-30, Crystal Lake City Hall, Council Chambers, 100 W. Municipal Complex, Crystal Lake. |
| October 16<br>10:00 a.m. | N-E     | <u>Susan Curtis and Marcy Diesing v. Material Service Corporation</u> - PCB 91-30, Crystal Lake City Hall, Council Chambers, 100 W. Municipal Complex, Crystal Lake. |
| October 17<br>10:00 a.m. | UST-FRD | <u>Salvation Army v. EPA</u> - PCB 91-131, 9 North County Street, Suite 202, Waukegan.   |
| October 18<br>10:00 a.m. | P-A     | <u>Christian County Landfill, Inc. v. EPA</u> - PCB 91-141, City Council Chambers, 115 N. Main St., Taylorville.   |
| October 18<br>10:00 a.m. | UST-FRD | <u>Lawrence Cadillac v. EPA</u> - PCB 91-133, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.  |
| October 22<br>10:00 a.m. | P-A     | <u>Burlington Northern Railroad Company v. EPA</u> - PCB 91-11, Knox County Courthouse, Conference Room, 110 S. Cherry St., Galesburg.                               |
| October 22<br>10:00 a.m. | P-A     | <u>Amoco Oil Company (Wood River Refinery) v. EPA</u> - PCB 91-137, Alton City Hall, 101 E. Third St., Alton.  |
| October 23<br>10:00 a.m. | P-A     | <u>Staunton Landfill, Inc. v. EPA</u> - PCB 91-95, Macoupin County Courthouse Boardroom (basement), Carlinville.   |
| October 23               | N-E     | <u>James W. Turner, Sr. v. Mr. Richard P. Toft, President, Chicago Title &amp; Trust Company</u> - PCB   |

3:00 p.m.		91-146, Normal City Hall, 100 E. Phoenix Ave., Normal.
October 23 3:00 p.m.	N-E	<u>James W. Turner, Sr. v. Mark Edmiston</u> - PCB 91-147, Normal City Hall, 100 E. Phoenix Ave., Normal.
October 23 3:00 p.m.	N-E	<u>James W. Turner, Sr. v. Don Franke</u> - PCB 91-148, Normal City Hall, 100 E. Phoenix Ave., Normal.
October 23 10:00 a.m.	R	<u>In the Matter of: PM-10 Emission Limits in the McCook and Lake Calumet Areas of Cook County, Illinois, and the Granite City Area of Madison County, Illinois: 35 Ill. Adm. Code Parts 211 and 212</u> - R91-22, State of Illinois Center, 100 W. Randolph St., Suite 9-040, Chicago.
<b>October 24</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
October 29 10:00 a.m.	R	<u>In the Matter of: PM-10 Emission Limits in the McCook and Lake Calumet Areas of Cook County, Illinois, and the Granite City Area of Madison County, Illinois: 35 Ill. Adm. Code Parts 211 and 212</u> - R91-22, Edwardsville City Hall, Council Chambers, 400 N. Main St., Edwardsville.
November 4 9:30 a.m.	W-E	<u>Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370</u> - PCB 90-170, Grundy County Courthouse, County Boardroom, 111 E. Washington St., Morris.
November 5 9:30 a.m.	W-E	<u>Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370</u> - PCB 90-170, Grundy County Courthouse, County Boardroom, 111 E. Washington St., Morris.
November 6 9:00 a.m.	N-E	<u>Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company</u> - PCB 90-182, McDonough County Courthouse, Law Library, Third Floor, Macomb.
November 6 1:00 p.m.	P-A	<u>IBP, Inc. v. EPA</u> - PCB 88-98, Rock Island County Building, 1504 3rd Ave., Third Floor Board Room, Rock Island.
November 7 9:00 a.m.	N-E	<u>Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company</u> - PCB 90-182, McDonough County Courthouse, Law Library, Third Floor, Macomb.
<b>November 7</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 8 10:00 a.m.	UST-FRD	<u>Clinton County Oil Co., Inc., and Hoffman/Meier's Shell and Clarence Meier v. EPA</u> - PCB 91-163, City Council Chambers, 850 Franklin St., Carlyle.
November 14 10:00 a.m.	A-S	<u>In the Matter of Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 301.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria</u> - AS 90-4, City Hall, Mayor's Conference Room, Second Floor, 200 Edison Avenue, Granite City.
November 14 9:30 a.m.	P-A	<u>Stephan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson St., Joliet.
November 19 10:00 a.m.	P-A	<u>BF Goodrich Corporation (Henry Facility) v. EPA</u> - PCB 91-17, Marshall County Courthouse, County Board Room, 122 N. Prairie, Lacon.
<b>November 21</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 21 10:30 a.m.	P-A	<u>The City of Metropolis v. EPA</u> - PCB 90-8, Metropolis City Hall, City Council Chambers, 106 W. 5th St., Metropolis.
November 27 9:30 a.m.	N-E	<u>Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard</u> - PCB 91-128, Criminal Justice Center, 707 Etna Road, Ottawa.

<b>December 5</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 12 10:00 a.m.	UST-FRD	<u>Kronon Motor Sales v. EPA</u> - PCB 91-138, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 13 10:00 a.m.	N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - PCB 91-50, McHenry City Hall, 333 S. Green St., McHenry.
December 16 10:00 a.m.	P-A	<u>Monsanto Company v. EPA</u> - PCB 91-57, Sauget Village Hall, 2897 Falling Springs Road, Sauget.
<b>December 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

\* Times and locations of hearings and meetings appearing in the Environmental Register are subject to cancellation or rescheduling without notice. Confirmation of that information may be obtained from the Clerk of the Board at 312/814-6931.

\*\* The Pollution Control Board meetings listed in the calendar (highlighted) are unlike the other hearings listed in that, while they are open to the public, public participation is generally not allowed, except upon the granting of a motion for oral argument.

#### 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
SO <sub>2</sub>	SO <sub>2</sub> ALTERNATIVE STANDARDS	SWH-E	SPECIAL WASTE HAULING ENFORCEMENT
SWH-V	SPECIAL WASTE HAULING VARIANCE	T	THERMAL DEMONSTRATION RULE (35 ILL. ADM. CODE 302.211(F))
T-C	TAX CERTIFICATIONS	T-S	TRADE SECRETS
W-E	WATER ENFORCEMENT	W-V	WATER VARIANCE
WWS	WATER-WELL SETBACK EXCEPTION		
UST-FRD	UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION		