

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 471

June 16, 1993

INFORMATION SERVICES AVAILABLE FROM THE BOARD

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

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

RULEMAKING UPDATE

EMERGENCY STAGE II VAPOR RECOVERY RULE ADOPTED, R93-12

On May 20, 1993, the Board adopted an emergency rule relating to the Stage II gasoline vapor recovery regulations. This emergency rule has the effect of delaying the May 1, 1993 effective date for the Stage II rules until October 15, 1993 in the Metro-East area (St. Clair and Madison Counties).

The Agency filed a motion for an emergency rule to stay the effective date for the Stage II rules on May 3, 1993. On May 5, the Board requested that the Agency submit additional information and requested public comments to aid it in evaluating whether an emergency existed. (See *Environmental Register* no. 470, May 19, 1993.) The Board received a response from the Agency and eight public comments that supported a Board finding of an emergency.

The Board found that a threat to the public interest existed. The Board concluded that facilities in the Metro-East area would have suffered extreme economic hardship if forced to comply with the May 1 deadline. A federal judicial mandate that will require the U.S. EPA to issue on-board vehicle vapor recovery regulations may eliminate the need for these facilities to ultimately comply with the Stage II rules. Direct questions to Michelle C. Dresdow, at 815-753-0947. (Please refer to docket R93-12.)

FEDERALLY-DERIVED RCRA SUBTITLE D LANDFILL AMENDMENTS PROPOSED, R93-10

On May 20, 1993 the Board adopted an order that proposes amendments to the Illinois non-hazardous landfill regulations that incorporate changes necessary to make them as stringent as the federal RCRA Subtitle D regulations. On May 27, the Board adopted a proposed opinion that supports the proposed order. The proposed amendments are based on October 9, 1991 U.S. EPA rules that apply to municipal solid waste landfill facilities

(MSWLFs). Federal law presently requires that the states must adopt regulations that are no less stringent than the new federal regulations on or before October 9, 1993 in order to maintain state primacy in this area. The General Assembly is presently considering legislation that will mandate that the Board adopt these amendments using identical-in-substance rulemaking procedures. The Board commenced this rulemaking early so the public comment period could run and Illinois could be timely in its ultimate adoption of these amendments. If the legislation fails, however, the Board would lack statutory authority to proceed with this proposal by means of identical-in-substance rulemaking.

The proposed amendments would amend Parts 810, 811, and 814 of the Illinois landfill rules. The amendments to Part 810 add various definitions relating to MSWLF units and incorporate USEPA test methods for evaluating solid waste and an extensive federal listing of numerous of organic and inorganic contaminants for which these facilities must test groundwater. The proposed amendments to Part 811 include several changes to the existing new landfill standards. Briefly, they amend to the landfill location, operating, closure and post-closure care, recordskeeping, groundwater monitoring and corrective action, and financial assurance requirements, as they apply to MSWLFs, to make them as stringent as the federal new rules. The amendments to Part 814 include several similar changes to the standards applicable to existing landfills in order to make them also as stringent as the U.S. EPA Subtitle D regulations. Additionally, they clarify the applicability of Part 814 to existing MSWLFs and to lateral expansions, set forth permitting requirements for existing MSWLF units and for lateral expansions, and establish foundation and mass stability standards, and impose groundwater monitoring, quality, and assessment requirements for these facilities. Direct questions to Anand Rao, at 312-814-3956, or Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-10.)

RULEMAKING UPDATE continued on page 3

ENVIRONMENTAL INFORMATION SERVICES
AVAILABLE FROM THE BOARD

The Board has the following information available:

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

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

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

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

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

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

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

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

Fiscal Year Ordered _____

City/State/Zip _____

Hard Copy _____

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

Electronic Copy _____

Disk Size _____

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

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 continued from page 1

RCRA UPDATE PROPOSED FOR PUBLIC COMMENT, R93-4

On May 27, 1993, the Board proposed certain amendments to the Illinois RCRA regulations to include federal actions from July 1 through December 31, 1992. This docket, R93-4, involves amendments to 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726 and 728, and it would add a new Part 739, The Management of Used Oil.

When adopted, this rulemaking will include numerous significant amendments to the Illinois RCRA regulations. Among the more significant amendments it will include are a new set of regulations for managing used and waste oil; a lifting of the administrative stay on certain wood preserving rules requiring the use of drip pads; the addition of land disposal restrictions (LDRs) for hazardous debris and newly-listed wastes; corrections to the Third-Third LDRs; treatment, storage, and disposal facility standards for containment buildings (presently known as indoor waste piles); 10 new hazardous waste listings for coking wastes; standards for the use of sorbents for disposal of liquid wastes in

landfills; alternative emissions standards for hazardous waste burners; and treatment standards for hazardous debris and soils. Direct questions to Anne Manley, at 312-814-3473. (Please refer to docket R93-4.)

UIC UPDATE PROPOSED, R93-6

On May 20, 1993, the Board proposed amendments to the Illinois UIC regulations for public comment. This routine UIC program update would incorporate USEPA amendments made during the period from July 1 through December 31, 1993. During this period, USEPA adopted land disposal restrictions (LDRs) for newly-listed wastes. USEPA also extended an exception from the LDRs for diluted waste to include such waste that no longer exhibit a hazardous waste characteristic that is injected into Class I hazardous waste injection wells. Finally, USEPA amended the UIC rules so that some owners or operators may run a well log only when performing a routine well workover in which the long string casing is pulled. The Board included each of these amendments in the proposal. Direct questions to Michael J. McCambridge, at 312-814-6924. (Please

refer to docket R93-6.)

PRETREATMENT UPDATE PROPOSED, R93-2

On June 3, 1993, the Board adopted a proposal for public comment that would update the Illinois wastewater pretreatment regulations to include USEPA amendments for the period July 1 through December 31, 1992. In particular, the amendments affect the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Category. They would establish alternative limitations for certain non-amenable cyanides and for certain metals to accommodate low background levels from incidental sources. They would further correct certain listing errors in the federal appendices and amend the applicability provisions for the Other Fibers, Thermoplastic Resins, and Thermosetting Resins subcategories. The amendments would finally have the effect of merely removing the listings of two chemicals from the Bulk Organic Chemicals Subcategory. Direct questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-2.)

BOARD SOLICITS COMMENTS ON ALTERNATIVE LANGUAGE AND RESPONDS TO JCAR OBJECTION, R91-20 & RES 93-1

On May 20, 1993, in R91-20, the Board responded to a May 11, 1993 objection by the Joint Committee on Administrative Rules (JCAR) to certain portions of the proposed rules for potentially infectious medical wastes (PIMWs). The proposed rules would regulated facilities engaging in the treatment, storage, and transfer of PIMWs and their transportation, packaging, and labelling. JCAR stated that it had objected because "Section 1422.122(a)(1) is inconsistent with language in the rulemaking in Sections 1422.124 and 1422.125, resulting in a conflict for facilities attempting to legally eliminate the infectious potential in medical waste." The May 20 interim order agreed that a conflict may have existed and proposed alternative language for public comment.

On June 3, 1993, the Board adopted a resolution in this matter, RES 93-1, in response to the JCAR objection. The resolution set forth the same alternative language as the May 20 interim order, with slight amendments in response to comments received from the Agency. The Board stated that it believed the alternative language, as amended, adequately addressed the concerns raised by the JCAR objection. Direct questions to Michelle C. Dresdow, at 815-753-0947. (Please refer to docket R91-20.)

APPELLATE UPDATE

THIRD DISTRICT CONCLUDES THAT BOARD ERRED BY NOT REMANDING SITING APPEAL FOR A NEW HEARING

The Third District recently reversed the Board's affirmance of a denial of local siting approval for a landfill in *Land and Lakes Co. v. Village of Romeoville*

(Dec. 6, 1991), PCB 92-25. In *Land and Lakes Co. v. PCB* (3d Dist. June 1, 1993), the court held that the Board should have concluded that certain actions of a party before the Village, the Will County State's Attorney, caused the Village to deny the siting petitioner fundamental fairness.

In what is commonly called a "SB 172" proceeding, Land and Lakes Co. applied to the Village of Romeoville for a landfill expansion. The Will County State's Attorney argued against approval of the proposed expansion in the ensuing proceedings. A major substantive issue was whether criterion #1 of Section 39.2(a) of the Environmental Protection Act was satisfied, i. e., whether "the facility is necessary to accommodate the waste needs of the area it is intended to serve". At hearing, testimony was elicited by the State's Attorney concerning the nearby dormant--but still permitted--Wheatland landfill. The issue was whether the Wheatland landfill should be considered as available local landfill capacity.

Included in the Village hearing officer's findings and recommendations, submitted to the Village Board, was his conclusion that the Wheatland landfill should be included in assessing available landfill capacity, and that the Village deny approval as regards criterion #1.

Prior to its decision, the Village Board, in response to a motion of Land and Lakes Co., took judicial notice of the fact that the Will County State's Attorney had earlier filed an action to enjoin Wheatland landfill against further operations. The Village's hearing officer stated that he was not aware of the State's Attorney's action to enjoin the Wheatland landfill when he made his findings.

As regards Criterion #1, the Village Board included, in its resolution to deny, the hearing officer's written findings and recommendations without change.

On appeal, the Board first reversed its initial determination that the approval was granted by operation of law after the Village corrected its records regarding whether it gave the statutorily-required notice of hearing to two legislators. It then remanded to the Village solely for clarification of what the Board found was the Village's confusing decision on criterion #1. Without further fact-finding proceedings, the Village again denied siting based on criterion #1. On appeal, the Board affirmed the Village's denial, and Land and Lakes Co. appealed to the appellate court.

On the issue of fundamental fairness, the Third District appellate court found that the availability or non-availability of the Wheatland landfill was "extremely crucial to the issue of whether the petitioners' proposed landfill expansion is needed". The court stated that Land and Lakes was "not given a full and complete opportunity to present evidence in support of the application". This was because "Will county did not disclose at the public hearing before the hearing officer that it was involved in litigation seeking to enjoin the reopening of Wheatland.

. . . Instead, Will County's assistant state's attorney cross-examined the petitioners' witnesses seeking admissions from them that Wheatland could be reopened at any time." The court further observed that Will County further presented evidence that the Wheatland closing was only temporary and urged the hearing officer to consider the Wheatland site as available to accept wastes.

Therefore, the court held that the Village "improperly considered" the hearing officer's findings because the hearing officer "clearly stated on the record that he was not aware of Will County's lawsuit [to close the Wheatland site] when he made his findings". To the court, "It was improper for Will County to mislead the hearing officer into making factually incorrect assumptions . . ." The court concluded that "fundamental fairness requires the Village to conduct a completely new hearing so sufficient inquiry can be made concerning the availability of the Wheatland site." The court stated that the Board erred when it did not remand the proceedings to the Village for an additional hearing. The court remanded the case for such a remand to the Village.

In reaching its decision, the Third District also determined other issues. First, the court decided to follow its earlier decision in *Strube v. PCB* (Mar. 15, 1993), No. 3-92-0468 (see *Environmental Register* no. 468, Apr. 7, 1993) and hold that a motion for reconsideration is not a necessary jurisdictional prerequisite to an appeal of a Board decision. Second, the court determined that the regional pollution control facility siting procedures of Section 39.2 of the Act do not violate the constitutional principle of separation of powers because they did not "provide an improper concentration of decision-making power in one branch of government". Third, the court determined that the Board did not err by allowing Will County, a third party, to appeal a siting denial, a setting in which third-party appeals to the Board are generally not allowed. The court agreed that *Pioneer Processing, Inc. v. EPA* (1984), 102 Ill. 2d 119, 464 N.E.2d 238, controlled. That case determined that the Attorney General was a public official that represented the public interest, so he was different from a private citizen when acting as a third-party appellant in this setting. The court held that by the same reasoning the Will County State's Attorney had standing to intervene before the Board. Fourth, the court followed its earlier decision, in *Reichhold Chemicals, Inc. v. PCB* (3d Dist. 1990), 204 Ill. App. 3d 674, 561 N.E.2d 1343, and determined that the Board has authority to reconsider its own decisions--even in the absence of express statutory authority to do so. Finally, the court held that the Board did not err when it allowed the Village to change its position before the Board based on corrected information about service on two legislators. To require the Board to not let the Village change its

position on rehearing, in the opinion of the court, "would be holding that an erroneous

ruling could never be corrected".

FOR YOUR INFORMATION

BOARD MEMBER GIRARD PUBLISHES PAPER

Board Member G. Tanner Girard was the principal author of an article published in the January 1993 issue of the peer-reviewed Nature Areas Journal. The article, entitled "Managing Conflicts with Animal Activists: White-tailed Deer and Illinois Nature Preserves", was co-authored with Brian Anderson and Taylor DeLaney. Based on case studies in Illinois nature preserves, the article suggests proactive management steps for dealing with animal activists who oppose deer population reductions when high deer numbers threaten the biological diversity of natural areas. Dr. Girard is a member of the Illinois Nature Preserves Commission and was Chairman from 1989-1992.

BOARD MEMBER ADDRESSES CHICAGO BAR ON UNDERGROUND STORAGE TANKS

Board Member Bill Forcade gave a speech to the Chicago Bar Association on June 8, 1993. The meeting was a continuing legal education seminar, sponsored by the environmental law committee, on petroleum underground storage tanks called, "UNDERGROUND TANKS: DOWN & DIRTY". Mr. Forcade's speech was "LUST REIMBURSEMENT" and discussed current Board and court decisions affecting financial reimbursement for corrective action at leaking underground storage tanks.

PAST AND PRESENT BOARD MEMBERS AND BOARD STAFF PARTICIPATE IN ENVIRONMENTAL CONFERENCE

Board Members Joan G. Anderson and Ronald C. Flemal, and Board Intergovernmental Affairs Attorney Phillip Van Ness participated in the annual conference "Working Together to Manage Waste for Environmental Progress". Two former Board Chairmen, Jacob D. Dumelle and John C. Marlin, former Board Member Sidney Marder also participated. Dr. Marlin, Ms. Anderson, Mr. Marder, and Mr. Van Ness delivered talks on various topics relating to future environmental issues, citizens' complaints before the Board, and the Illinois underground storage tank program and related pending legislation. Dr. Flemal and Mr. Dumelle moderated sessions.

FINAL ACTIONS - May 20, 1993 BOARD MEETING

- accepted a settlement agreement filed by the parties, imposed a civil penalty of \$20,000 payable to the Environmental Protection Trust Fund, and ordered the respondent to cease and desist from the alleged violations at this Cook County facility. J. Theodore Meyer dissented.
- 92-70 People of the State of Illinois v. Gas Tech, Inc., an Illinois corporation, formerly known as Linde Gases of the Midwest, Inc., an Illinois corporation - The Board accepted a settlement agreement filed by the parties, imposed a civil penalty of \$4,500 payable to the Illinois Hazardous Waste Fund, and ordered the respondent to cease and desist from the alleged violations at this Cook County facility. J. Theodore Meyer dissented.
- 92-72 Adams Electrical Cooperative v. EPA - The Board granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving an Adams County facility.
- 92-127 City of Des Plaines, Gail Papasteriadis, and Gabriel and Linda Gulo v. Solid Waste Agency of Northern Cook County - The Board dismissed on the merits this citizens' land enforcement action involving a Cook County facility.
- 92-134 Lone Star Industries v. EPA - The Board granted a variance from various of the landfill regulations to this LaSalle County facility.
- 92-145 Thomas J. Konkel v. City of Crest Hill - The Board found the City of Crest Hill (in Will County) had violated Sections 12(a) and 12(f) of the Act and ordered the City to cease and desist from further violation.
- 92-204 Concerned Citizens of Williamson County, and R.S. Blakely and Max Stucker, as members of Concerned Citizens of Williamson County v. Bill Kibler Development Corporation, a/k/a Kibler Development Corp. and the Williamson County Board of Commissioners - The Board vacated the decision of the Williamson County Board because it lacked jurisdiction to consider the application for regional pollution control facility siting approval.
- 93-13 Village of Forreton v. EPA - The Board denied the Village of Forreton's (Ogle County) petition for a variance from certain of the water pollution control regulations.
- 93-64 People of the State of Illinois v. Chicago Sun Times, Inc., a Delaware corporation - The Board accepted a settlement agreement filed by the parties, imposed a civil penalty of \$20,000 payable to the Environmental Protection Trust Fund, and ordered the respondent to cease and desist from the alleged violations at this Cook County facility. J. Theodore Meyer dissented.
- 93-75 Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc. - The Board granted the motion to dismiss this citizens' air enforcement complaint against a Champaign County facility for failure to state a cause of action. R. Flemal abstained.
- 93-78 Gauger Motor Sales & Service v. EPA - The Board granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving a Tazewell County facility.
- 93-102 Motorola v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of the 90 day limitation on the accumulation of hazardous waste at this Cook County facility.
- AS 91-11 In the Matter of: Petition of Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (TSS and Iron only) for the Water Company's East St. Louis Public Water Supply Facility - The Board granted this Madison County facility an adjusted standard from certain of the water pollution control regulations.
- AS 92-4 In the Matter of: Joint Petition of Detroit Diesel Corporation and the Engine Manufacturers Association for Adjusted Standard from 35 Ill. Adm. Code 240.141 - The Board granted a state-wide adjusted standard from certain of the air pollution control regulations.
- AC 92-26 County of Ogle v. Rochelle Disposal Service, Inc. and City of Rochelle, Illinois - The Board found that the respondent had violated Section 21(o)(12) of the Act, ordered the payment of a \$500.00 civil penalty, and ordered the submission of a statement of costs.
- R91-20 Potentially Infectious Medical Waste, Interim Order - See Rulemaking Update.
- R93-6 In the Matter of: UIC Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order - See Rulemaking Update.
- R93-10 In the Matter of: RCRA Subtitle D Landfill Amendments, Proposal for Public Comment, Proposed Opinion and Order - See Rulemaking Update.

Update.

R93-12

In the Matter of: Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d), Adopted Rule, Emergency Rule, Order - See Rulemaking Update.

NEW CASES - May 20, 1993 BOARD MEETING

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| 93-75 | <u>Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc.</u> - See Final Actions | 93-91 | <u>People of the State of Illinois v. Free-Flow Packaging Company</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-83 | <u>Finks & Austman v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a McLean County facility for hearing. | 93-92 | <u>People of the State of Illinois v. Elkay Manufacturing Company</u> - The Board assigned this land enforcement action against a Cook County facility to a hearing officer. |
| 93-84 | <u>Consolidation Coal Company v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Perry County facility for hearing. | 93-93 | <u>People of the State of Illinois v. Dupli-Color Products Company</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-85 | <u>People of the State of Illinois v. Liquid Air Corporation</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer. | 93-94 | <u>People of the State of Illinois v. Cooper Tools</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer. |
| 93-86 | <u>People of the State of Illinois v. Middleby Corporation</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. | 93-95 | <u>People of the State of Illinois v. City of Sandwich, Illinois</u> - The Board assigned this water pollution enforcement action against a DeKalb County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-87 | <u>People of the State of Illinois v. South Holland Metal Finishing Company, Inc.</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer. | 93-96 | <u>People of the State of Illinois v. Ashland Products, Inc.</u> - The Board assigned this land enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-88 | <u>People of the State of Illinois v. Russell, Burdsall & Ward Corporation</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. | 93-97 | <u>People of the State of Illinois v. Adolph P. Raymond</u> - The Board assigned this land enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-89 | <u>People of the State of Illinois v. Richard O. Schulz Company</u> - The Board assigned this air enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. | 93-98 | <u>People of the State of Illinois v. 3216 Garage Corporation</u> - The Board assigned this land enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. |
| 93-90 | <u>People of the State of Illinois v. United Parcel Service, Inc.</u> - The Board assigned this land enforcement action against a Cook County facility to a hearing officer and ordered publication of a newspaper notice of filing. | 93-99 | <u>LTV Steel Company (Hennepin Works) v. EPA</u> - |

	The Board accepted this RCRA permit appeal involving a Putnam County facility for hearing.		underground storage tank reimbursement determination appeal involving a DuPage County facility for hearing.
93-100	<u>ZMC, Inc. v. EPA</u> - The Board accepted this	93-101	<u>Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bolingbrook</u> - The Board held this NPDES permit appeal involving a Will County facility.
		93-102	<u>Motorola v. EPA</u> - See <i>Final Actions</i> .
		R93-12	<u>Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d)</u> - See <i>Rulemaking Update</i> .

FINAL ACTIONS - May 27, 1993 SPECIAL BOARD MEETING

R93-4	In the matter of: <u>RCRA Update, USEPA Regulations (July 1, 1993 through December 31, 1992)</u> , Proposal for Public Comment, Proposed Opinion and Order - See <i>Rulemaking Update</i> .	R93-10	In the matter of: <u>RCRA Subtitle D Landfill Amendments</u> , Proposal for Public Comment, Proposed Opinion - See <i>Rulemaking Update</i> .
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FINAL ACTIONS - June 3, 1993 BOARD MEETING

83-150	<u>EPA v. Archer Daniels Midland Company</u> - The Board accepted a modification to the stipulation and settlement agreement originally accepted by the Board on August 20, 1987.	93-43	<u>Leonard F. Wolst v. Pepperidge Farm, Inc.</u> - The Board granted voluntary dismissal of this citizen's noise enforcement action against a DuPage County facility.
92-136	<u>Safety-Kleen Corporation (Schaumburg Facility) v. EPA</u> - The Board granted voluntary dismissal of this RCRA permit appeal involving a Cook County facility.	AC 92-41	<u>EPA v. Lakewood Homes & Development Company, Inc.</u> - Having previously found that the respondent had violated Section 219(p)(1) of the Act, the Board ordered the payment of \$830.00 for hearing costs.
92-152	<u>State Bank of Whittington v. EPA</u> - The Board affirmed the Agency's denial of \$7,287.04 and reversed the denial as to \$11,956.12 in costs in this underground storage tank reimbursement determination appeal involving a Franklin County facility.	Res 93-1	In the Matter of: <u>Potentially Infections Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labeling (35 Ill. Adm. Code 1420.1421, and 1422)</u> , Resolution and Order - See <i>Rulemaking Update</i> .
92-154	<u>Shell Oil Company v. EPA</u> - The Board reversed the denial as to \$11,956.12 in costs in this underground storage tank reimbursement determination appeal involving a Cook County facility.	R93-2	In the Matter of: <u>Pretreatment Update, USEPA Regulations (July 1, 1992 through December 31, 1992)</u> , Proposal for Public Comment, Proposed Opinion and Order - See <i>Rulemaking Update</i> .

NEW CASES - June 3, 1993 BOARD MEETING

93-101	<u>Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bollingbrook</u> - The Board held this NPDES permit appeal involving a Will County facility.	involving a Cook County facility for hearing.
93-103	<u>Caravelle Wood Products, Inv. v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Cook County facility for hearing.	93-106 <u>C.A.R.E., Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, as members of C.A.R.E., Hoopeston Community Hospital, Hoopeston Industrial Corporation, William Regan and Mary Regan, as Trustees v. James Van Weelden, d/b/a Illinois Landfills, Inc. and Hoopeston City Council in behalf of the City of Hoopeston, County of Vermillion, and State of Illinois</u> - The Board accepted this third party regional pollution control facility siting appeal involving a proposed Vermillion County facility for hearing.
93-104	<u>Griffin Service and Sproule Construction v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a JoDavie County facility for hearing.	93-107 <u>J.F.R.S. Investments, an Illinois general partnership v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Cook County facility for hearing.
93-105	<u>Divane Brothers Electric Company v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal	

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.

June 17 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 21 10:00 a.m.	PCB 92-211 P-A, RCRA	<u>Safety-Kleen Corporation (Urbana Facility) v. EPA</u> - University of Illinois, Levis Faculty Center, Room 401, 919 West Illinois Street, Urbana.
June 22 9:30 a.m.	R92-17 R, Water	<u>In the Matter of: Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between LaGrange Lock and Dam (Mile 90.2) and Lockport Lock (Mile 291)</u> - Peoria Public Library, 107 N.E. Monroe, Peoria.
June 23 11:00 a.m.	R92-17 R, Water	<u>In the Matter of: Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between LaGrange Lock and Dam (Mile 90.2) and Lockport Lock (Mile 291)</u> - Grundy County Administrative Center, 1320 Union St., Morris.
June 29 9:00 a.m.	PCB 93-65 L-E	<u>Albert Warner v. Warner Bros. Trucking and Urbana-Champaign Sanitary District</u> - Champaign City Building, City Council Chambers, First Floor, 102 North Neil Street, Champaign.
July 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
July 8 1:30 p.m.	PCB 91-219 P-A, Water	<u>General Motors Corporation, Central Foundry Division v. EPA</u> - Vermillion County Courthouse, Court Room #1A, First Floor, 7 North Vermillion Street, Danville.

July 8 9:00 a.m.	PCB 93-83 UST-FRD	<u>Finks & Austman v. EPA</u> - Normal City Hall, Conference Room C, 100 East Phoenix, Normal.
July 8 9:30 a.m.	PCB 93-100 UST-FRD	<u>Omni Products, Division of ZMC, Inc. v. EPA</u> - Addison Village Hall, Room 201, 131 West Lake Street, Addison.
July 9 10:00 a.m.	PCB 92-90 V, RCRA	<u>Robertson-Ceco Corporation v. EPA</u> - Bolingbrook Village Hall, Board Room, 375 West Briarcliff Road, Bolingbrook.
July 13 10:00 a.m.	PCB 92-68 L-E	<u>People of the State of Illinois v. Chem-Plate Industries, Inc.</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
July 13 10:00 a.m.	PCB 93-44 N-E	<u>James M. Tonne and Jeanine F. Tonne v. Leamington Foods</u> - Addison Village Hall, Room 201, 131 West Lake Street, Addison.
July 14 10:00 a.m.	PCB 92-166 P-A, NPDES	<u>Marathon Oil Company (Robinson Refinery) v. EPA</u> - Robinson Public Library, Meeting Room, 606 North Jefferson, Robinson.
July 15 10:00 a.m.	PCB 92-180 L-V	<u>We-Shred-It, Inc. v. EPA</u> - Pana City Hall Council Chambers, 120 East 3d Street, Pana.
July 15 10:00 a.m.	PCB 93-84 UST-FRD	<u>Consolidation Coal Company v. EPA</u> - Pinckneyville City Hall, City Council Chambers, 104 South Walnut Street, Pinckneyville.
July 16 1:30 p.m.	PCB 92-84 A-E	<u>People of the State of Illinois v. Berkshire Furniture Co., Inc. d/b/a Fashion Bed Group and formerly known as Allegheny Steel & Brass Corporation</u> - James R. Thompson Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 20 9:00 a.m.	PCB 92-215 N-E	<u>Douglas Locke and Nancy Locke v. Biltmore Country Club</u> - Law Office of Arthur Wulf, 100 North LaSalle, Suite 1710, Chicago.
July 20 10:00 a.m.	PCB 93-107 UST-FRD	<u>J.J.R.S. Investments v. EPA</u> - James R. Thompson Center, 100 West Randolph Street, Chicago.
July 22 10:00 a.m.	PCB 93-55 UST-FRD	<u>Clarendon Hills/Bridal Center (Learsi & Co., Inc.) v. EPA</u> - Clarendon Hills Village Hall, Board Room, 1 North Prospect Avenue, Clarendon Hills.
July 22 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
July 26 10:00 a.m.	PCB 93-106 L-S-R	<u>C.A.R.E., Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, Hoopeston Community Memorial Hospital, Hoopeston industrial Corporation, William Regan and Mary Regan v. James Van Weelden, d/b/a Illinois Landfills, Inc.</u> - Vermillion Court Annex, County Board Room 213, 6 North Vermillion Street, Danville.
July 27 10:00 a.m.	PCB 93-104 UST-FRD	<u>Griffin Service and Sproule Construction Co. v. EPA</u> - Galena City Hall, 312½ North Main Street, Galena.
July 27 10:00 a.m.	PCB 93-106 L-S-R	<u>C.A.R.E., Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, Hoopeston Community Memorial Hospital, Hoopeston industrial Corporation, William Regan and Mary Regan v. James Van Weelden, d/b/a Illinois Landfills, Inc.</u> - Vermillion Court Annex, County Board Room 213, 6 North Vermillion Street, Danville.
July 29 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.

July 29 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.
August 3 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.
August 5 10:00 a.m.	PCB 93-94 A-E	<u>People of the State of Illinois v. Cooper Tools, a division of Cooper Industries</u> - Sycamore Municipal Building, City Council Chamber, 535 DeKalb Avenue, Sycamore.
August 5 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
August 9 10:00 a.m.	AS 93-3 Air	<u>In the Matter of: Petition of Douglas Furniture of California for Adjusted Standard for 35 Ill. Adm. Code 218.204</u> - Bedford Park Village Hall, Courtroom, Municipal Building, 6701 South Archer Road, Bedford Park.
August 19 1:30 p.m.	PCB 91-175 P-A, Air	<u>Ball Corporation, Ball Metal Decorating & Service Division (Consolidated with PCB 91-258, PCB 92-150 and PCB 93-33)</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
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.	AS 91-12 Water	<u>In the Matter of: Petition of the 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.
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 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.
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 23 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
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 21
10:30 a.m. Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St.,
Conference Room 9-040, Chicago.

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
SO ₂	SO 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		

NOTICE OF ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY HEARING ON BUREAU OF WATER PROGRAM PLANS FOR THE
FISCAL YEAR 1994 INCLUDING THE AGENCY'S REVOLVING LOAN FUND
INTENDED USE PLAN AND UPDATED WATER QUALITY MANAGEMENT PLAN

The Illinois Environmental Protection Agency (Illinois EPA) will hold a public hearing on Wednesday, August 4, 1993, starting at 9:00 a.m. (see Agenda) at the Illinois EPA's Sangamo Building premises at 1340 North 9th Street, Springfield, Illinois.

The purpose of this hearing is to provide an opportunity for the public to understand and comment on the Fiscal Year 1994 program plans for the Bureau of Water of the Illinois EPA. Fiscal Year 1994 begins July 1, 1993 and continues through June 30, 1994. Specific sections within the program plans require notice as follows:

Bureau of Water: Water Pollution Control

Revolving Loan Fund

Pursuant to Section 606(c) of the Clean Water Act (33 U.S.C. 466 et seq.), the Agency is required to prepare an intended use plan prior to the receipt of the grant from the U.S. Environmental Protection Agency to capitalize the Water Pollution Control Revolving Loan Fund. This hearing will provide the opportunity for public comment on at least the following topics relative to the Fund:

1. list of projects for Fiscal Year (FY) 1994,
2. criteria and method for the distribution of funds, and
3. criteria and method established for the selection of projects.

The Agenda will be as follows:

9:00 a.m. - Open the Record. Hearing Officer's Opening Statement concerning the Program Plans Hearing

9:10 a.m. - Bureau of Water
Review of Water Pollution and Public Water Supplies current programs and Program Plans for the FY 1994 (references 40 CFR Parts 35 and 130). This will include discussion on the Revolving Loan Program and revisions and updates to the Illinois water Quality Management Plan.

Closure of the Record: The Hearing Record for the Bureau of Water Agency Program Plan for Fiscal Year 1994 will close as of midnight September 6, 1993. Written comments should be postmarked before midnight September 6, 1993 and mailed to:

John D. Williams
Agency Hearing Officer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
Phone (217) 782-5544

*Written comments need not be notarized.

Copies of the Bureau of Water program plans for FY 1994 will be available for review at Illinois EPA headquarters in Springfield, all Illinois EPA regional offices, and through libraries in the State Library system on or after June 15, 1993. Copies of the Agency's "Procedures for Informational and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164) are available from the Agency Hearing Officer upon request. Requests for special needs interpreters must be made to the Agency Hearing Officer by Friday, July 23, 1993. See address and phone number above. If you would like to ask a question about the program plans, please contact the appropriate staff member at the Illinois EPA, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62796-9276.

Agency Contact Staff:

Bureau of Water
Public Water Supplies Program Plan: Charles Bell (217)785-0561 Revolving Loan Fund:

Ron Drainer (217)782-2027

Water Quality Management Plan: Rick Mollahan (217)782-3362

Water Pollution Control Program Plan: Sandy Cunningham (217)782-1654

A short summary of the highlights for the Bureau of Water Program Plans is available from Pam Howard, Illinois EPA Community Relations, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, phone 217/782-5562

June 2, 1993

Printed by Authority of the State of Illinois, June 16, 1993, 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

Joan G. Anderson
Western Springs, Illinois

Ronald C. Flegal
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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