

ENVIRONMENTAL REGISTER

No. 416

November 7, 1990

APPELLATE COURT HOLDS THAT SB 172 APPLICANT DEFINES SERVICE AREA, NOT LOCAL BODY

In Metropolitan Waste Systems, Inc. v. Illinois Pollution Control Board, 558 N.E.2d 785 (3d Dist. 1990), the appellate court held that an applicant seeking local siting approval for a landfill defines the area intended to be served and that the local decision making body may not alter the service area. The appellate court's decision is significant because it indicates that a local body cannot deny site approval simply because it does not want to accept waste from a certain area as proposed by an applicant.

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 September 30, 1990.

LIMITED AVAILABILITY OF REPORT FROM R88-7

The Illinois State Geological Survey has published its final report entitled, "Numerical Estimates of Potential for Groundwater Contamination from Land Burial of Municipal Wastes in Illinois." This project was jointly funded and sponsored by the Board and the Hazardous Waste Research Information Center (HWRIC) to obtain information during the development of the landfill regulations (R88-7). The Board and HWRIC have limited copies for distribution. Those interested may pick up a copy from the Board's offices or receive one by requesting a copy from HWRIC's clearinghouse at One East Hazelwood Drive, Champaign, IL 61820.

BOARD AND STAFF ACTIVITIES

Scientific and Technical Staff Member Anand Rao attended the 63rd Annual Conference of Water Pollution Control Federation held on October 7 - 11 in Washington D.C.

Scientific and Technical Staff Member Dr. Harish Rao participated in a 2-1/2 day USEPA Air Pollution Training Institute Workshop on Receptor Modeling and its applications in state implementation plans held at the University of Illinois at Chicago on October 2-4, 1990.

Dr. Harish Rao attended the first day of the 1-1/2 day Lake Michigan Ozone Conference: 1990, co-sponsored by the Lake Michigan Section and Wisconsin Chapter of the Air and Waste Management Association on October 9-10, 1990 in Racine, Wisconsin.

Anand Rao and Dr. Harish Rao attended the first and second days, respectively, of the Conference on Solid Waste Research in the Midwest held in Chicago on October 26-27, 1990 which presented discussions on the issues of siting and papers in the areas of leachate from landfill and groundwater, recycling and environmental impact characterization from different solid waste management options. The conference was co-sponsored by the Illinois Department of Energy and Natural Resources, Office of Solid Waste and Renewable Resources and the Institute of Environmental Studies.

Dr. Harish Rao also attended the morning session on the second day of the 18th Annual Illinois Energy Conference held in Chicago on October 29-30, 1990. The conference organized by the Energy Resources Center at the University of Illinois at Chicago had presentations in the area of plastics recycling, new landfilling technologies and incineration.

FINAL ACTIONS - OCTOBER 25, 1990 BOARD MEETING

- PCB 85-164 Western Illinois Power Cooperative, Inc. (n/k/a Soyland Power Cooperative, Inc.), v. IEPA - This matter was dismissed on petitioner's motion. Board Member J.D. Dumelle concurred.
- PCB 87-105 Bloomington Normal Sanitary District v. IEPA - This matter was dismissed on petitioner's motion. Board Member J.D. Dumelle concurred.
- PCB 88-108 Ideal Roller Co. v. IEPA - This matter was dismissed on petitioner's motion. Board Member J.D. Dumelle concurred.
- PCB 89-159 People of the State of Illinois v. Crown Cork & Seal Co., Inc., a New York Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a civil penalty of \$2,500 concerning violations of the Act and Board air pollution regulations at its Kankakee County facility. Board Members J.D. Dumelle and J.T. Meyer dissented.
- PCB 89-170 Centralia Environmental Services, Inc., v. IEPA - The Board affirmed the Agency's denial of a supplemental development permit and a supplemental operating permit for petitioner's Marion County landfill site. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 89-193 Motorola, Inc. v. IEPA - The Board construed the filing as a motion to withdraw permit appeal by the parties, dismissed this matter and closed the docket.
- PCB 89-201 People of the State of Illinois v. Crown, Cork, and Seal Co. Inc., a New York corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent agreed to pay a civil penalty of \$16,000 concerning violations of the Act and Board air pollution regulations at its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-13 People of the State of Illinois v. ABC Rail Corp., a Delaware corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent agreed to pay a fine of \$1,000 concerning violations of the Act and Board air pollution regulations at its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-19 People of the State of Illinois v. DuPage Plating Co., an Illinois corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent admitted to violations the Act and Board air pollution regulations, agreed to pay a civil penalty of \$3,500 and to cease and desist from the alleged violations at its DuPage County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-84 People of the State of Illinois v. We-Toast Bread Co., Inc. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent admitted to violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$3,000 and to cease and desist from the alleged violations concerning its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented. Board Member J. Anderson concurred.
- PCB 90-93 People of the State of Illinois v. ITW Magnaflux, a division of Illinois Tool Works, Inc., a Delaware corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$3,000 and to cease and desist from the alleged violations at respondent's Cook County facility. Board Members J. Dumelle and J. Theodore Meyer dissented.
- PCB 90-107 People of the State of Illinois v. Miller Power Fluid, an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent admitted to violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$3,000 and agreed to cease and desist from the alleged violations at its DuPage County facility. Board Members J. Dumelle and J. Theodore Meyer dissented.
- PCB 90-130 Borden Chemicals and Plastics Operating Limited Partnership v. IEPA - The Board granted petitioner variance extension, with conditions, from the Board's water pollution regulations relating to total dissolved solids and chloride standards for its Sangamon County facility.
- PCB 90-191 Taracorp Industries, Inc., v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations concerning 90-day on-site limitations for hazardous wastes at its Madison County facility.
- PCB 90-192 Metal Finishing Research Corp. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations concerning 90-day on-site limitations for hazardous wastes at its Cook County facility.

- PCB 90-193 Sloan Valve Co., v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations concerning 90-day on-site limitations for hazardous wastes at its Cook County facility.
- AC 89-115 IEPA v. City of St. Francisville, an Illinois Municipal corp. - The Board denied respondent's motion for review of penalties assessed in the Board's July 13, 1989 Default Order.
- AC 89-224 IEPA v. John Vander - The Board denied the Agency's motion for reconsideration of its August 30, 1990 Order finding that no arguments or facts were raised which had not been considered by the Board in rendering its decision of no violations. Board Members J.D. Dumelle and B. Forcade dissented.
- AC 89-268 IEPA v. William A. Jayne and Betty J. Jayne - The Board found that respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.
- AC 89-304 IEPA v. G & M Wrecking Co. - The Board denied the Agency's motion to reconsider its August 30, 1990 Opinion and Order which found respondent had not violated Section 21(q)(3) of the Act. Board Member B. Forcade dissented and Board Member J.D. Dumelle concurred.
- AC 90-49 IEPA v. Waste Hauling Landfill, Inc. The Board granted petitioner's request to withdraw its petition for review and found that respondent violated Sections 21(p)(5), 21(p)(12), 21(p)(2), 21(p)(1) and 21(p)(9) of the Act and imposed a fine of \$2,500.
- AC 90-55 IEPA v. Lindell Loveless - The Board denied respondent's motion to vacate the Board's Order of Default. Board Member J.D. Dumelle dissented.
- AC 90-57 County of Jackson v. Frank Doan - The Board vacated its August 30, 1990 Default Order, found that respondent violated Sections 21(q)(1) and 21(q)(2) of the Act and imposed a fine of \$1,000.
- AC 90-82 IEPA v. Daniel Van Fleet - The Board found respondent violated Section 21(q)(1), 21(q)(3) and 21(q)(4) of the Act and imposed a fine of \$1,500.
- AC 90-83 IEPA v. John E. Moody et al. - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

NEW CASES - OCTOBER 25, 1990 BOARD MEETING

- PCB 90-170 Goose Lake Assn. v. Robert J. Drake, Sr., et al. -Complainants allege violations of the Act concerning water pollution at respondent's Grundy County development. Set for hearing.
- PCB 90-179 Acme Finishing Co. v. IEPA - Petitioner seeks review of the Agency's denial of its reapplication for renewal of its operating permits concerning its Cook/DuPage County facility. Held until November 8.
- PCB 90-182 Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall et al. - Complainant alleges violations of the Board's noise and air pollution regulations at respondent's Adams County facility. Held until November 8.
- PCB 90-187 Herman W. Prescott v. City of Sycamore, IL et al. -Complainant alleges violations of the Board's public water supplies regulations at its DeKalb County facility. Held until November 8.
- PCB 90-188 American Steel & Wire Corp. v. IEPA - Petitioner seeks permit review concerning its Will County facility. Accepted for hearing.
- PCB 90-189 Modine Manufacturing Co. v. IEPA - Petitioner seeks variance from the Board's air pollution regulations concerning its McHenry County facility. Accepted for hearing.
- PCB 90-190 City of Charleston v. IEPA - Petitioner seeks permit review concerning its Coles County facility. Accepted for hearing.
- PCB 90-191 Taracorp Industries, Inc. v. IEPA - See Final Actions.
- PCB 90-192 Metal Finishing Research Corp. v. IEPA - See Final Actions.
- PCB 90-193 Sloan Valve Co. v. IEPA - See Final Actions.

CALENDAR *

November 1 10:00 a.m.	P-A	<u>Hydraulics, Inc. d/b/a Brake Parts Company v. EPA</u> - PCB 89-88, Litchfield Town Hall, 120 E. Ryder, Litchfield.
November 8		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 9 10:00 a.m.	A-C	<u>County of St. Clair v. Laidlaw Waste Systems</u> - AC 90-74, County Board Conference Room, 5th Floor, St. Clair County Building, 10 Public Square, Belleville.
November 12 9:30 a.m.	A-V	<u>Olin Chemicals (Joliet Plant) v. EPA</u> - PCB 89-72, Will County Courthouse, 14 W. Jefferson St., Joliet.
November 13 10:00 a.m.	A-C	<u>EPA v. ESG Watts, Inc.</u> - AC 90-47, County Office Building, County Board Room, Third Floor, 1504 Third Avenue, Rock Island.
November 14 10:00 a.m.	A-E	<u>People of the State of Illinois v. Duraco, Inc.</u> - PCB 90-61, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 14 10:00 a.m.	P-A	<u>Envotech-Illinois, Inc. v. IEPA</u> - PCB 90-138, Montgomery County Courthouse, Hillsboro.
November 14 9:30 a.m.	P-A	<u>Stepan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson, Joliet.
November 14 10:00 a.m.	P-A	<u>A.K.A. Land, Inc. v. EPA</u> - PCB 90-177, Belleville City Hall, City Council Chambers, 101 S. Illinois St., Belleville. (Will continue on 16th if needed.)
November 16 10:00 a.m.	A-C	<u>County of Madison v. City of Alton</u> - AC 90-41, Council Chambers, City Hall, 3rd & Alby St., Alton.
November 19 10:00 a.m.	L-E	<u>People of the State of Illinois v. Chicago Heights Refuse Depot, Inc.</u> - PCB 90-112, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 20 10:00 a.m.	A-E	<u>People of the State of Illinois v. Colwell/General, Inc.</u> - PCB 89-180, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 20 10:00 a.m.	P-A	<u>Earl R. Bradd, as owner of the Bradd Sanitary Landfill v. EPA</u> - PCB 90-173, Bloomington City Hall, City Council Chambers, 109 East Olive St., Bloomington.
November 20 11:00 a.m.	A-C	<u>EPA v. Steve Gilbert</u> - AC 90-56, Mansfield Fire Dept., 100 S. Washington St., Mansfield.
November 21 9:30 a.m.	A-E	<u>People of the State of Illinois v. Westvaco Corporation</u> - PCB 90-127, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 21 10:00 a.m.	P-A	<u>Watts Disposal Systems, Inc. v. EPA</u> - PCB 90-174, City Council Chambers, Rock Island City Hall, Third Floor, 1528 Third Avenue, Rock Island.
November 28 9:30 a.m.	P-A	<u>National Steel Corporation (Granite City Division) v. EPA</u> - PCB 90-114, Courthouse, Second Floor, Granite City Hall, 2000 Edison Ave., Granite City.
November 29		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 29 10:00 a.m.	L-V	<u>Gallatin National Company v. EPA</u> - PCB 90-183, Fellowship Hall, The Reformer Church, Main & Church Streets, Fairview.
November 30 9:30 a.m.	A-C	<u>EPA v. Johnson Blackwell</u> - AC 90-72, Carlyle City Hall, Second Floor, 850 Franklin, Carlyle.
December 4 9:00 a.m.	R	<u>Groundwater Quality Standards (35 Ill. Adm. Code 620)</u> - R89-14, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
December 5 10:00 a.m.	A-V	<u>Monsanto Company v. EPA</u> - PCB 90-44, City Council Chambers, City Hall, 2897 Falling Springs Rd., Sauget.

December 6 10:00 a.m.	A-E	<u>People of the State of Illinois v. Allied-Hastings Barrel and Drum Service, Inc.</u> - PCB 90-60, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 6 9:30 a.m.	A-E	<u>People of the State of Illinois v. G & K Investments Inc., Gary Cross and Kevin Leesman</u> - PCB 90-140, Logan County Courthouse, 601 Broadway, Lincoln.
December 6 10:00 a.m.	A-C	<u>EPA v. George Ribble</u> - AC 90-81, Macoupin County Courthouse, County Board Room, East First North Street, Carlinville.
December 6 10:00 a.m.	W-V	<u>Village of Sauget v. EPA</u> - PCB 90-181, Sauget City Hall, City Council Chambers, 2897 Falling Springs Rd., Sauget.
December 10 9:30 a.m.	P-A	<u>ESG Watts, Inc. v. EPA</u> - PCB 90-95, County Office Building, County Board Room, Third Floor, 1504 Third Ave., Rock Island.
December 10 9:30 a.m.	P-A	<u>ESG Watts, Inc. v. EPA</u> - PCB 90-144, County Office Building, County Board Room, Third Floor, 1504 Third Ave., Rock Island.
December 10 10:00 a.m.	N-E	<u>Village of Matteson v. World Music Theatre, Jam Productions Ltd., Discovery South Group, Ltd., and Gierczyk Development, Inc.</u> - PCB 90-146, Village Hall, Village of Matteson, 3625 W. 215th St., Matteson.
December 11 9:30 a.m.	P-A	<u>ESG Watts, Inc. v. EPA</u> - PCB 90-95, County Office Building, County Board Room, Third Floor, 1504 Third Ave., Rock Island.
December 11 9:30 a.m.	P-A	<u>ESG Watts, Inc. v. EPA</u> - PCB 90-144, County Office Building, County Board Room, Third Floor, 1504 Third Ave., Rock Island.
December 11 10:00 a.m.	N-E	<u>Village of Matteson v. World Music Theatre, Jam Productions Ltd., Discovery South Group, Ltd., and Gierczyk Development, Inc.</u> - PCB 90-146, Village Hall, Village of Matteson, 3625 W. 215th St., Matteson.
December 13 9:00 a.m.	UST-FRD	<u>Williamson Adhesives, Inc. v. EPA</u> - PCB 90-168, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago
December 13 10:00 a.m.	P-A	<u>John Sexton Contractors Company v. EPA</u> - PCB 88-139, Lansing Village Hall, 18200 Chicago Ave., Lansing.
December 14 9:00 a.m.	UST-FRD	<u>Williamson Adhesives, Inc. v. EPA</u> - PCB 90-168, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 14 10:00 a.m.	P-A	<u>Natural Gas Pipeline Company of America v. EPA</u> -PCB 87-150, City of Kankakee, Council Chambers, Second Floor, 385 East Oak St., Kankakee.
December 14 10:00 a.m.	A-C	<u>EPA v. Al Springman</u> - AC 90-79, Jersey County Courthouse, Courtroom B, Jerseyville.
December 17 9:30 a.m.	W-E	<u>EPA v. Hopper Paper Division, Georgia Pacific Corporation and Taylorville Sanitary District</u> PCB 90-184, City Council Chambers, 115 N. Main St., Taylorville.
December 18 10:00 a.m.	A-E	<u>People of the State of Illinois v. Sure-Tan, Inc.</u> - PCB 90-62, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 20		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 20 10:00 a.m.	N-E	<u>Carl Madoux, Alice Madoux, Glenn Moody & Margaret Moody v. B & M Steel Service Center, Inc.</u> - PCB 90-148, Alton City Hall, 101 East 3rd Street, Alton.
December 21 9:30 a.m.	A-E	<u>IEPA v. Columbia Quarry Company</u> - PCB 90-161, County Conference Room, St. Clair County Building, 5th Floor, 10 Public Square, Belleville.
December 21 10:00 a.m.	N-E A-E	<u>Carl Madoux, Alice Madoux, Glenn Moody & Margaret Moody v. Straders Logging and Lumber Mill</u> - PCB 90-149, Alton City Hall, 101 East 3rd Street, Alton.

December 27 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, In a Room in the City Hall, 101 E. 3rd Street, Alton.
January 8 9:00 a.m.	P-A	<u>Douglas Furniture v. EPA</u> - PCB 90-22, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
January 24 10:00 a.m.	A-E	<u>People of the State of Illinois v. Robert A. Propheter, d/b/a Bob Propheter Construction Company</u> - PCB 90-18, County Board Room, 707 Etna Road, Ottawa.

* 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 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-FRD	UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION		