

ENVIRONMENTAL REGISTER

No. 419

Happy New Year

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R86-14 BORDEN CHEMICALS

The Board adopted a final rule granting site-specific relief to Borden Chemicals & Plastics Operating Limited Partnership for total dissolved solids and chloride discharged from its Illiopolis, Illinois plant. The new regulations are found at 35 Ill. Adm. Code 303.431 and 304.211. The Board found that the environmental impact of the discharge is minimal, and that costs to comply in the range of \$17 - 80 million are not economically reasonable.

NO INCREASED OIL TO LAKE MICHIGAN

Between December 14 and 18 a number of news media carried stories referring to allegations that the IEPA and Board had allowed Commonwealth Edison's Zion plant to discharge excessive oil and grease to Lake Michigan.

In fact the company received a provisional variance (PCB 90-223) allowing the rerouting of an existing discharge while a damaged effluent storage tank is repaired. The variance allows measurement of oil and grease at a point prior to wastewater entering an oil-water separator. The limit at this point was set at 75 mg/l. After treatment by the oil-water separator the actual discharge to the Lake is expected to be 15 mg/l which is the amount allowed in the current permit. The configuration of the piping makes it impossible to accurately measure the actual discharge.

No increase in the discharge of oil and grease to the Lake is expected as a result of the provisional variance. The original order was issued November 29, 1990 and a supplemental opinion on December 20.

BOARD ACCEPTS RULEMAKING PETITION TO REQUIRE USE OF RECYCLED PAPER

On December 4, 1990, the Board accepted a rulemaking proposal (docket R90-24) filed by Business and Professional People for the Public Interest (BPI). BPI asks the Board to amend its procedural rules to require the use of recycled paper for all documents filed by attorneys with the Board. Alternatively, BPI proposes that the procedural rules encourage the use of recycled paper. On December 20, 1990, the Board established a comment period to allow all interested persons to comment on the proposal. In addition to issues generally raised by the proposal, the Board requests comment on three issues:

1. Whether the photocopiers generally used by those appearing before the Board are compatible with recycled paper;

2. Whether the scope of the proposal should be expanded to include documents filed by organized environmental and trade groups, whether or not those groups are represented by attorneys; and

3. What sanctions should be imposed for failure to comply with required use of recycled paper.

All written comments shall be received by the Board no later than Friday, January 18, 1991. In addition to filing comments with the Board, copies of all comments shall be sent to the following:

Howard A. Learner Bonnie Eynon Meyer
BPI DENR
17 E. Monroe St., 325 W. Adams,
Suite 212 Room 300
Chicago, IL 60603 Springfield, IL 62701
(addresses continued on next page)

Susan Schroeder
 Illinois Environmental Protection Agency
 2200 Churchill Road
 P.O. Box 19276
 Springfield, IL 62794-9276

Question about this proceeding may be directed to Elizabeth Schroer Harvey at 312/814-6921.

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

Chairman Marlin spoke on Trends in Environmental

Regulations at the Environmental Health and Safety Conference sponsored by Eaton Corporation on December 12th.

Board Member, Jacob D. Dumelle, received the Chicago Lung Association's Environmental Service Award at its annual Christmas Seal Awards Dinner on November 15, 1990 in Chicago. The citation read, "Throughout the years, Mr. Dumelle has worked closely with Chicago Lung Association to establish regulations to protect the environment. The most recent example was the regulation to cut ozone producing gasoline vapors by more than 100 tons a day."

On December 14th, Mr. Dumelle spoke on "Views of a Regulator" to employees of Armour-Eckrich Co. at a seminar conducted by the Illinois Institute of Technology in Hickory Hills. On December 28th Mr. Dumelle spoke on "Emerging Environmental Problems" to a group of young professionals from Asia, Latin America, the Middle East and Africa at a seminar sponsored by the International Visitors Center of Chicago.

FINAL ACTIONS - DECEMBER 20, 1990 BOARD MEETING.

- PCB 86-180 The Ceco Co. v. IEPA - The Board struck Condition 2(d) of the September 11, 1986 IEPA modified closure plan for petitioner's Cook County facility and affirmed the imposition of conditions 1, 2(c), 3, 11, 13, 15, 16, 18 and 20.
- PCB 86-193 Bill Aden, et al v. City of Freeport - The Board denied respondent's second petition to modify the Board's September 8, 1988 Supplemental Opinion and Final Order to extend the compliance deadline for its Stephenson County facility.
- PCB 88-52 City of Ottawa v. IEPA - The Board granted petitioner's motion for modification of its August 4, 1988 Order concerning a one-year extension of the completion date for Phase I of respondent's sewer separation program in LaSalle County. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 88-84 The Nutrasweet Co., et al v. IEPA - The Board granted petitioners motion for modification of its December 15, 1988 Order to extend the date by which it must apply for any construction permits for its Will County facility.
- PCB 89-89 Motor Wheel Corp. Inc., v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 90-46 Rockford Drop Forge Co. v. IEPA - The Board affirmed the Agency's decision denying petitioner's application for reimbursement from the Underground Storage Tank Fund for corrective action costs concerning its Winnebago County facility. Board Members J. Anderson and J.D. Dumelle dissented.
- PCB 90-53 Industrial Fuels & Resources/Illinois, Inc., v. City Council of the City of Harvey - The Board denied petitioner's motion for reconsideration of its September 27, 1990 Order which upheld respondent's denial of siting approval for a Cook County facility. Board Member M. Nardulli concurred and Board Members B. Forcade and J. Theodore Meyer dissented.
- PCB 90-88 People of the State of Illinois v. Eldon Swedberg, d/b/a Eldon Swedberg Swine Farm - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act, agreed to pay a civil penalty of \$4,000 and to cease and desist from alleged violations concerning its Tazewell County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-127 People of the State of Illinois v. Westvaco Corp., a Delaware Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent did not admit to violations and agreed to pay \$1,600 into the Environmental Protection Trust Fund concerning its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-139 People of the State of Illinois v. Illinois Valley Paving Co., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent denied the alleged violations and agreed to pay \$15,000 into the Environmental Protection Trust Fund concerning its facility in Scott and Clinton Counties. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-142 Pulitzer Community Newspapers, Inc. v. IEPA - The Board reversed the Agency's determination that Pulitzer is not eligible for reimbursement from the Underground Storage Tank Fund for corrective action costs concerning its Cook

- County facility, remanded the matter to the Agency for a determination of the reasonableness of costs incurred and closed the docket.
- PCB 90-162 Village of Plainfield v. IEPA - The Board reissued its November 29, 1990 Order with the addition of Condition (L) involving costs relating to its Will County facility. Board Members J.D. Dumelle and B. Forcade dissented.
- PCB 90-163 Erwin Hediger, et al v. D & L Landfill, Inc. et al. - The Board affirmed the decision of the Bond County Board of Supervisors granting site location suitability approval for a regional pollution control facility in Bond County. Board Member J.D. Dumelle dissented.
- PCB 90-166 City of Genoa v. IEPA - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to the standard for radium in drinking water for its DeKalb County facility. Board Members J.D. Dumelle and B. Forcade dissented.
- PCB 90-223 Commonwealth Edison Co., Zion Power Station v. IEPA - The Board issued a clarifying opinion in this matter relating to its Order granting provisional variance to allow time to do needed maintenance work at petitioner's Lake County waste water treatment plant. Board Member J.D. Dumelle dissented.
- PCB 90-232 Mobil Oil 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 Will County facility.
- PCB 90-233 Mobil Oil 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 Will County facility.
- PCB 90-234 DAP, 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 Cook County facility.
- PCB 90-235 FPM Heat Treating, 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 Cook County facility.
- PCB 90-236 Dixline 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 Henry County facility.
- PCB 90-237 Burlington Northern Railroad 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 Knox County facility.
- PCB 90-238 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 from hazardous wastes at its Cook County facility.
- PCB 90-241 Indian Refining Co. V. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's air pollution regulations concerning sulfur dioxide emissions at its Lawrence County facility. Board Member J.D. Dumelle dissented.
- AC 89-207 IEPA v. Chicago Heights Refuse Depot, Inc. - The Board denied respondent's request to vacate its November 2, 1989 Default Order for being not timely filed and stating no basis for relief.
- AC 89-231 IEPA v. Leon Lamet - This matter was dismissed on the Board's own motion.
- AC 90-27 IEPA v. Johnson Blackwell - The Board granted petitioner's motion to reconsider and upon reconsideration, affirmed its August 30, 1990 Order. Board Member B. Forcade dissented.
- AC 90-40 Tazewell County, et al v. Steve Zimmerman and Waste Ltd., Inc. - This matter was dismissed on respondents' motion.
- AC 90-86 IEPA v. Roy Frietsch - The Board found respondent violated Section 21(p)(5) of the Act and imposed a fine of \$500.
- AC 90-87 County of Jackson v. Everett Allen, d/b/a Allen Waste Management - The Board found respondent violated Section

21(p)(11) of the Act and imposed a fine of \$500.

AC 90-88 County of Jackson v. Everett Allen d/b/a Allen Waste Management - The Board found the administrative citation deficient and dismissed this action.

NEW CASES - DECEMBER 20, 1990 BOARD MEETING

PCB 90-224 City of Prospect Heights v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations relating to Standards for Issuance and Restricted Status concerning radium-225 and radium-226 for its Cook County facility. Held for Agency Recommendation.

PCB 90-225 BF Goodrich Corp., (Henry Plant) v. IEPA - Petitioner seeks permit review concerning its Marshall County facility. Accepted for hearing.

PCB 90-226 City of Toluca v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations relating to Standards for Issuance and Restricted Status concerning radium 224 and radium 226 and gross alpha particle activity for its Marshall County facility. Held for Agency Recommendation.

PCB 90-227 DML, Inc. v. IEPA - Petitioner seeks variance for its Woodford County facility. Additional information requested.

PCB 90-228 City of Mt. Vernon v. IEPA - Petitioner seeks variance for its Jefferson County water treatment plant. Additional information requested.

PCB 90-229 North Suburban Public Utility Co. v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations relating to Standards for Issuance and Restricted Status concerning the combined radium-226 and radium 228 content for its Cook County facility. Held for Agency Recommendation.

PCB 90-230 People of the State of Illinois v. F.S. Madison Service Co., a farmer-owned service - Complainant alleges violations of the Act and Board air pollution regulations at respondent's Madison County facility. Hearing mandatory.

PCB 90-231 Frank Whitlock, et al v. Montgomery County Board of Supervisors et al. - Petitioners seek review of the Montgomery County Board of Supervisors' decision granting site location suitability approval for a Montgomery County landfill. Accepted for hearing.

PCB 90-232 Mobil Oil Corp. v. IEPA - See Final Actions.

PCB 90-233 Mobil Oil Corp. v. IEPA - See Final Actions.

PCB 90-234 DAP, Inc. v. IEPA - See Final Actions.

PCB 90-235 FPM Heat Treating, Inc. v. IEPA - See Final Actions.

PCB 90-236 Dixline Corp. v. IEPA - See Final Actions.

PCB 90-237 Burlington Northern Railroad v. IEPA - See Final Actions.

PCB 90-238 Metal Finishing Research Corp. v. IEPA - See Final Actions.

PCB 90-239 Madison County Conservation Alliance, et al v. Madison County and Environmental Control Systems, Inc. - This third party action seeks review of a Madison County decision granting site location suitability approval for a Madison County landfill. Accepted for hearing.

PCB 90-240 Colwell General, Inc. v. IEPA - Petitioner seeks permit review for its Cook County facility. Accepted for hearing.

PCB 90-241 Indian Refining v. IEPA - See Final Actions.

CALENDAR *

January 10 **Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**

January 11 10:00 a.m. A-E People of the State of Illinois v. Bridgestone/Firestone, Inc. - PCB 90-202, Second Floor Conference Room, #1 Civic Center Plaza, Southeast Corner, Eldorado & Franklin, Decatur.

January 23 2:00 p.m.	A-E	<u>EPA v. Trilla Steel Drum, Inc.</u> - PCB 86-56, Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.
January 24		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, 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 242, 707 Etna Road, Ottawa.
January 24 10:00 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.
January 25 10:00 a.m.	L-S-R	<u>Clean Quality Resources, Inc. v. Marion County Board</u> - PCB 90-216, Marion County Public Service Building, County Board Room, 200 East Schwartz, Salem.
January 29 10:30 a.m.	A-C	<u>County of McHenry v. McHenry County Sanitary Landfill & Recycling Center, Inc.</u> - AC 90-21, McHenry County Courthouse, County Board Room, Room 203, 2200 N. Seminary Ave., Woodstock.
January 29 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.
January 30 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.
February 1 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.
February 4 1:00 p.m.	A-C	<u>EPA v. ESG Watts, Inc.</u> - AC 90-26, Municipal Building, Seventh & Monroe Sts., Room 203, Springfield.
February 4 11:00 a.m.	P-A	<u>GSF Energy, Inc., a subsidiary of Air Products & Chemical, Inc. and Waste Management of Illinois, Inc.</u> - PCB State of Illinois Center, 100 W. Randolph St. Suite 11-500, Chicago.
February 7		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
February 11 10:00 a.m.	A-E	<u>People of the State of Illinois v. Seegers Grain, Inc.</u> - PCB 90-111, City of Freeport City Hall 230 W. Stephenson, Freeport.
February 13 11:00 a.m.	P-A	<u>Laclede Steel v. EPA</u> - PCB 88-115, Edwardsville County Courthouse, 155 N. Main St., Edwardsville.
February 15 10:00 a.m.	A-E	<u>People of the State of Illinois v. Rock Valley Oil & Chemical Co.</u> - PCB 90-124, Rockford City Hall, City Council Chambers, Second Floor, 425 E. State St., Rockford.
February 15 9:30 a.m.	A-C	<u>EPA v. Johnson Blackwell</u> - AC 90-72, Carlyle City Hall, Second Floor, 850 Franklin, Carlyle.
February 20 10:00 a.m.	P-A	<u>Envotech-Illinois Inc. v. EPA</u> - PCB 90-138, Montgomery County Courthouse, Hillsboro.
February 28		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
February 28 10:00 a.m.	A-S	<u>Petition of Granite City Steel for Adjusted Standard from 35 Ill. Adm. Code 302.102. 302.208 and 302.210 and Subpart F, Procedures for Determining Water Quality Criteria</u> - AS 90-4, Mayor's Conference Room, 2nd Floor, City Hall, 200 Edison Ave., Granite City.
March 5 10:00 a.m.	P-A	<u>Watts Disposal Systems, Inc. v. EPA</u> - PCB 90-174, Rock Island City Hall, City Council Chambers, Third Floor, 1528 Third Avenue, Rock Island.
March 7 9:00 a.m.	P-A	<u>Caterpillar, Inc. v. EPA</u> - PCB 90-195, Peoria County Courthouse, County Board Room, 324 Main St. Peoria.

March 13 9:30 a.m.	P-A	<u>Stephan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson St., Joliet.
March 14		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
March 26 10:00 a.m.	P-A	<u>Quantum Chemical Corporation, USI Division (Morris Facility) v. EPA</u> - PCB 90-214, Morris City Hall, 320 Wauponsee St., Morris.
March 28		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
April 11		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
April 16 10:00 a.m.	A-S	<u>Petition of Quantum Chemical Corporation, USI Division, for an Adjusted Standard 35 Ill. Adm. Code 720.130</u> - AS 90-7, Grundy County Courthouse, Room 16, 111 E. Washington St., Morris.
April 17 2:00 p.m.	P-A	<u>Spraying Systems Company v. EPA</u> - PCB 90-215, DuPage County Building, 421 N. County Farm Rd., Room 2A, Wheaton.
April 25		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
May 1 10:00 a.m.	A-E	<u>People of the State of Illinois v. Allied Hastings Barrel & Drum Service, Inc.</u> - PCB 90-60, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
May 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
May 23		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 6		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 17 10:00 a.m.	N-E	<u>Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall & Coggeshall Construction Company</u> PCB 90-182, McDonough County Courthouse, Law Library, Third Floor, Macomb.
June 20		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
September 16 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, Alton City Hall, 101 E. Third St., Alton.

* 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

T-C	TAX CERTIFICATIONS		(35 ILL. ADM. CODE 302.211(F))
W-E	WATER ENFORCEMENT	T-S	TRADE SECRETS
WWS	WATER-WELL SETBACK EXCEPTION	W-V	WATER VARIANCE
UST-FRD	UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION		