

# ENVIRONMENTAL REGISTER

*Illinois Pollution Control Board News*

**No. 460**

**October 28, 1992**

## 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.

### **RULEMAKING UPDATE**

#### **RCRA UPDATE PROPOSED FOR PUBLIC COMMENT, R92-10.**

On October 16, 1992, the Board adopted proposed regulations to amend the RCRA hazardous waste regulations so as to be identical in substance to regulations adopted by the USEPA during the period of 1/1/92 to 6/30/92. The proposed rules address criteria for listing toxic hazardous waste, liners and leak detection for land disposal units, extension of stay for coatings for wood preserving drip pads, mixture and derived-from rules, "third-third" corrections, general "capacity variance" for "debris", exclusion of used oil filters, exclusion of coke by-product residues, and national capacity "variances" for certain reclaimed lead storage batteries. Also, the Board proposes to include corrections published by the USEPA after June 30, 1992 regarding the used oil filter and the toxicity characteristic leaching procedure (TCLP) rules. The Board will receive public comment for 45 days after the proposed rules are published in the Illinois Register. Direct questions to Morton Dorothy, at 217-333-5575.

#### **UIC UPDATE PROPOSED FOR PUBLIC COMMENT, R92-13**

On October 16, 1992, the Board adopted proposed regulations to amend the UIC underground injection control regulations so as to be identical in substance to regulations adopted by the USEPA during the period of 1/1/92 to 6/30/92. The proposed rules address approval of the water-brine interface mechanical integrity test, and "third-third" corrections. The Board will receive public comment for 45 days after the proposed rules are published in the Illinois Register. Direct questions to Morton Dorothy, at 217-333-5575.

#### **BOARD OPENS DOCKET R92-20, AMENDMENTS TO 35 ILL. ADM. CODE 615 AND 616 (GROUNDWATER); EXCEPTIONS FOR PESTICIDE AND FERTILIZER FACILITIES**

On September 15, 1992, Governor Edgar signed Senate Bill 1750 (Public Act 87-1108) into law. This act amends the Illinois Environmental Protection Act to provide an alternative groundwater protection program for certain agricultural facilities currently subject to 35 Ill. Adm. Code 615 and 616. On October 16, 1992, the Board opened this docket to begin rulemaking procedures to conform the Part 615 and 616 regulations with

P.A. 87-1108.

The current Part 615 and 616 rules regulate new and existing agricultural facilities that are located within setback zones of potable water wells, with an effective compliance date of January 1, 1993. Under the provisions of PA 87-1108 facilities may elect to opt out of the Part 615 and 616 program and instead participate in an alternative groundwater protection program to be administered by the Illinois Department of Agriculture.

The Illinois Environmental Protection Agency (Agency) has elected not to act as proponent in this matter, and so notified the Board of this intent by letter to the Board dated October 14, 1992. The Agency does, however, by the same letter recommend language that it believes would provide the necessary Part 615 and 616 amendments. No other proponent has stepped forward.

Because the January 1, 1993 compliance date is now imminent, the Board noted the need for this matter to proceed expeditiously. Accordingly, on October 16, the Board offered the Agency's recommendation for first notice, but without making substantive evaluation of the merits of the recommendation.

Two public hearings will be held on the proposal, as follows:

TUESDAY DECEMBER 8, 1992

10:30 a.m.  
Bloomington City Hall  
City Council Chambers  
109 West Olive Street  
Bloomington, IL

THURSDAY DECEMBER 10, 1992

10:30 a.m.  
DeKalb Municipal Building  
Council Chambers  
20 South 4th Street  
DeKalb, IL

Those interested in testifying should contact the hearing officer, Michelle Dresdow, prior to November 16, 1992, at 815/753-0947.

**ENVIRONMENTAL INFORMATION SERVICES  
AVAILABLE FROM THE BOARD**

The Board has the following information available:

**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.

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**SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS**

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

Name \_\_\_\_\_ Fiscal Year Ordered \_\_\_\_\_

(FY92 available in hard copy only).

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Hard Copy \_\_\_\_\_

Hard Copy Cost per FY: \$350.00 Electronic Copy \_\_\_\_\_

Electronic Copy Cost for FY93: \$275.00

Disk Size \_\_\_\_\_

Please send to: \_\_\_\_\_ (5.25" 1.2 MB or 3.5" 1.44 MB)

Joseph D'Alessandro  
Illinois Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, IL 60601

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

**FOR YOUR INFORMATION**

Board Member G. Tanner Girard and Intergovernmental Affairs Attorney Phillip R. Van Ness attended the annual conference of the Illinois Environmental Council in Springfield on October 17.

On October 19 and 20, Board Members Ronald Flemal and Bill Forcade attended the conference "Assessment and Treatment of Contaminated Sediments in the North Branch Chicago River" in Glencoe, Illinois.

**BOARD INITIATES ELECTRONIC BULLETIN BOARD (BBS) SERVICE**

The Pollution Control Board is happy to announce the beginning of its electronic BBS service. The Board's BBS is available to any person having access to a computer and a modem. It is a first step towards filling a need to better communicate with the public regarding Board operations. It will also help the public track developments in matters before the Board.

Information on the BBS may be read on-line or may be downloaded onto your computer for later reference. Downloading will generally save money on your phone bill. In addition, all current BBS files can be obtained in hard copy form from the Board's Chicago office. At present, the Board's BBS contains the following:

1. The latest Board meeting agenda. This will enable anyone in the State to determine which matters are scheduled for discussion or decision at the next Board meeting (please note that matters scheduled for decision may be deferred at the last moment). Agendas are typically updated three or more times prior to each Board meeting.
2. The latest Environmental Register. The Register includes a current listing of Board activities, recent decisions, scheduled hearings and new cases.
3. The latest Annual Report. This includes useful information regarding the Board, including operating statistics, relevant court cases, future plans and trends.

4. An introduction to the workings of the Board. This brief overview of Board functions, publications and other data is particularly designed to acquaint the newcomer to the operations of the Board.

The Board hopes to improve and perhaps expand the services offered on its BBS as time and resources permit. It seeks your help. Please take the time to log on and experiment with the system; let us know (by mail or through one of the BBS "Conferences") of any problems you encounter and any improvements you suggest. There is only one line in to the BBS, so if you get a busy signal, call back later. The BBS is available 24 hours a day, seven days a week.

The Board's BBS can be reached by modem only at 312-814-1590. The best communications settings are 8 data bits, no parity, and 1 stop bit (i.e., 8-N-1). The best terminal emulation is ANSI-BBS or just ANSI. The BBS utilizes a 2400 baud modem.

**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.

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**FINAL ACTIONS - OCTOBER 16, 1992 BOARD MEETING**

PCB 85-140 Citizens Utilities Company v. IEPA - The Board affirmed the Agency's imposition of a condition in Citizens' NPDES permit limiting the concentration of ammonia nitrogen in Citizens' effluent from its treatment plant located in Will County.

PCB 91-143 Ohio Grain Company v. IEPA - The Board affirmed the Agency's denial of Ohio Grain's application for an air operating permit for its facility located in Bureau County. In so holding, the Board rejected Ohio Grain's contentions that it was exempt from permit requirements under Section 201.146(s) and (u) and that it had met its burden of establishing an equivalent method of compliance under Section 212.462(b)(2).

PCB 91-201 RFK Enterprises v. IEPA - The Board granted a joint motion to dismiss a UST fund appeal from Franklin County.

PCB 91-259 City of Rockford v. IEPA - The Board granted a joint motion to dismiss a UST fund appeal from Winnebago County.

PCB 92-94 Marsco Manufacturing Company v. IEPA - The Board granted the petitioner's motion for voluntary dismissal of an air permit appeal from a facility located in Cook County.

PCB 92-83 Harlem Township v. IEPA - The Board affirmed the Agency's determination that Harlem Township was not entitled to reimbursement from the UST Fund for its garage facility located in Winnebago County reasoning that a release of gasoline from a pump nozzle is not a release from a UST.

AC 92-3 IEPA v. Dennis Grubaugh - The Board found that respondent violated Sections 21(p)(1) and (p)(3) of the Act on property located in Fayette County and imposed a \$1,000 fine payable to the Environmental Protection Trust Fund.

AC 92-5 IEPA v. Ronald D. Rawe & Retha M. Rawe - The Board found that respondents violated Section 21(p)(1) of the Act by allowing open dumping resulting in litter on their property located in Greene County and imposed a \$500 fine payable to the Environmental Protection Trust Fund.

AC 92-48 Sangamon County v. Delmar Donley & Don Chem, Inc. - The Board accepted the parties' stipulation imposing a \$500 penalty for a violation of Section 21(p)(1) of the Act on respondent's property located in Sangamon County.

**NEW CASES - OCTOBER 16, 1992 BOARD MEETING**

PCB 92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. - No action was taken on this noise enforcement case involving a condominium in Cook County.

PCB 92-142 Illinois Power Company (Clinton Power Station) v. EPA - The Board accepted an October 14, 1992 thermal determination petition for a site in DeWitt County, which was initially docketed as PCB 92-153, as an amendment to this docket and closed docket PCB 92-153.

PCB 92-143 Dietzgen Corporation v. EPA - This petition for an air variance for a Cook County site was accepted for hearing.

PCB 92-144 City of Highland v. EPA - This petition for a public water supply variance for a Madison County site was held for an Agency recommendation.

PCB 92-145 Thomas J. Konkol v. City of Crest Hill - This citizen's water complaint for a Will County site was held for a duplicitous and frivolous determination.

PCB 92-146 People of the State of Illinois v. Greyhound Lines, Inc. - The Board directed its Clerk to cause publication of the stipulated settlement in this land complaint involving a site in Cook County.

PCB 92-147 People of the State of Illinois v. F & B Manufacturing Company - The Board directed its Clerk to cause publication of the stipulated settlement in this land complaint involving a site in Lake County.

PCB 92-148 People of the State of Illinois v. Leaf Confectionary, Inc. - The Board directed its Clerk to cause publication of the stipulated settlement in this air complaint involving a site in Cook County.

PCB 92-149 People of the State of Illinois v. Oak Valley Wood Products, Inc. - This air pollution enforcement matter involving a Richland County site was accepted for hearing.

PCB 92-150 Ball Corporation, Ball Metal Decorating & Service Division v. EPA - This air permit appeal for a Cook County site was consolidated with PCB 91-175 and PCB 91-258 and accepted for hearing.

PCB 92-151 Super America Group, Inc. (Super America) v. EPA - This underground storage tank reimbursement appeal was dismissed as being unripe for review.

PCB 92-152 State Bank of Whittington v. EPA - This underground storage tank reimbursement appeal for a Franklin County site was accepted for hearing.

PCB 92-153 Illinois Power Company (Clinton Power Station) v. EPA - see PCB 92-142 above.

R92-20 Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater), Exceptions for Pesticide and Fertilizer Facilities see Final Actions above.

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**CALENDAR OF HEARINGS**

All hearings held by the Board are open to the public. All Pollution Control Board Meetings (highlighted) are open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at 312- 814-6931.

November 4 10:00 a.m.	PCB 92-78 A-V	<u>Amoco Chemical Company, Amoco Petroleum Additives Company (Wood River Facility) v. EPA</u> - Alton City Hall, City Council Chambers, 101 E. Third St., Alton.
November 5 9:30 a.m.	PCB 91-38 P-A	<u>American Waste Processing, Ltd. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
November 5 10:30 a.m.	PCB 92-132 L-S-R	<u>LeRoy Brown &amp; Sons, Inc. v. County Board of McDonough County, Illinois</u> - McDonough County Courthouse Courtroom, Macomb.
November 6 10:00 a.m.	PCB 92-118 UST-FRD	<u>Ideal Heating Company v. EPA</u> - Hinsdale Civic Room, 121 Symonds Dr., Hinsdale.
November 6 11:00 a.m.	PCB 92-132 L-S-R	<u>LeRoy Brown &amp; Sons, Inc. v. County Board of McDonough County, Illinois</u> - McDonough County Courthouse Courtroom, Macomb.
November 10 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.

November 12 10:00 a.m.	AC 92-26 AC	<u>County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. (Rochelle Municipal #2 Landfill)</u> - Ogle County Courthouse, 4th and Washington Streets, Oregon.
November 12 10:00 a.m.	PCB 92-80 L-E	<u>Lake County Forest Preserve District v. Neil Ostro; Janet Ostro; and Big Foot Enterprises</u> - County Building, Room 1002, 18 N. County Rd., Waukegan.
November 12 10:00 a.m.	PCB 92-134 L-V	<u>Lone Star Industries, Inc. v. EPA</u> - Illinois Valley Community College, Room F102, Ivy Lane, Oglesby.
November 13 10:00 a.m.	PCB 92-134 L-V	<u>Lone Star Industries, Inc. v. EPA</u> - Illinois Valley Community College, Room F102, Ivy Lane, Oglesby.
<b>November 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 24 10:00 a.m.	PCB 92-136 P-A	<u>Safety-Kleen Corporation (Schaumburg Facility) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
November 30 10:00 a.m.	PCB 92-122 UST-FRD	<u>F &amp; R Enterprises Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
December 1 9:00 a.m.	PCB 92-122 UST-FRD	<u>F &amp; R Enterprises Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
December 2 10:00 a.m.	PCB 92-69 10:00 a.m.	<u>People of the State of Illinois v. Patterson Gear &amp; Machine, Inc.</u> - Rockford State of Illinois Building, 200 S. Wyman, Third Floor Conference Room, Rockford.
<b>December 3</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 4 9:30 a.m.	R90-1(C)	<u>Toxic Air Contaminants List (35 Ill. Adm. Code Part 232): Reporting Requirements for Emission Sources</u> - State of Illinois Center, Room 9-040, 100 W. Randolph St., Chicago.
December 4 10:00 a.m.	AS 91-11	<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 East St. Louis Public Water Supply Facility</u> - Belleville City Hall, Council Chambers, 10 S. Illinois Street, Belleville.
December 4 10:00 a.m.	PCB 92-104 UST-FRD	<u>Roger Malkey, d/b/a Malkey's Mufflers, v. EPA</u> - National Bank of Earlville, 137 S. Main St., Earlville.
December 8 10:00 a.m.	PCB 91-262 UST-FRD	<u>The Pumper, Inc. v. EPA</u> - Hinsdale Public Library, Lower Level Conference Room, 20 E. Maple Street, Hinsdale.
December 8 10:30 a.m.	R 92-20 R	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater), Exceptions for Pesticide and Fertilizer Facilities</u> - Bloomington City Hall, City Counsel Chambers, 109 W. Olive St., Bloomington.
December 9 9:30 a.m.	AS 92-7 AS	<u>In the Matter of: Petition of Illinois Power Company (Vermilion Power Station) for Adjusted Standards from 35 Ill. Adm. Code 302.208(e)</u> - Danville City Hall Council Chambers, 204 N. Hazel St., Danville.
December 10 10:30 a.m.	R 92-20 R	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater), Exceptions for Pesticide and Fertilizer Facilities</u> - DeKalb Municipal Building, Council Chambers, 20 S. 4th St., DeKalb.
December 11 10:00 a.m.	AS 91-12 AS	<u>In the Matter of: Petition of 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 Street, Cairo.

December 15 10:00 a.m.	PCB 92-70 L-E	<u>People of the State of Illinois v. Union Carbide Industrial Gases, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
December 16 9:00 a.m.	PCB 92-33 UST-E	<u>Erich J. Mandel v. Thaddeus G. Kulpaka</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
December 17 10:00 a.m.	AC 91-032 AC	<u>County of Ogle v. Rochelle Disposal Services, Inc. (Rochelle Municipal #2 Landfill)</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
<b>December 17</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
January 21 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Second Floor Conference Room, 1 Civic Center Plaza, Decatur.
January 22 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Second Floor Conference Room, 1 Civic Center Plaza, Decatur.

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-E	Underground Storage Tank Enforcement
UST-FRD	Underground Storage Tank Fund Reimbursement Determination		

**CORRECTION**

The September 30, 1992 and October 15, 1992 issues were numbered Issue no. 457 and Issue no. 458, respectively. Those issues should have appeared as Issue no. 458, on September 30, 1992, and Issue no. 459, on October 15, 1992.

Printed by Authority of the State of Illinois, October 28, 1992, 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:

John C. Marlin, Chairman  
Urbana, Illinois

Joan G. Anderson  
Western Springs, Illinois

Ronald C. Flemal  
DeKalb, Illinois

Bill S. Forcade  
Chicago, Illinois

G. Tanner Girard  
Grafton, Illinois

J. Theodore Meyer  
Chicago, Illinois

Michael L. Nardulli  
Chicago, Illinois

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

Illinois Pollution Control Board  
State of Illinois Center, 11-500  
100 West Randolph Street  
Chicago, Illinois 60601  
(312) 814-3620

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