

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 486

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GOVERNOR SIGNS BROADENED EXEMPTION FROM NOISE POLLUTION REGULATIONS FOR GUN CLUBS AND FIREARM RANGES

Governor Edgar signed Public Act 88-598 (formerly Senate Bill 1260) into law on August 31, 1994. It became effective upon the Governor's signature.

The prior statutory language of Section 3.25 of the Environmental Protection Act included a definition of "organized amateur or professional sporting activity". That definition expressly included "skeet, trap or shooting activities in existence prior to January 1, 1975." Section 25 exempts such activities from noise regulation. The amendments to Section 3.25 expressly add "rifle and pistol ranges, licensed shooting preserves, and public hunting areas operated by a governmental entity" and change the former "grandfather" date to January 1, 1994.

The amendments also new Section 5 to the Premises Liability Act (740 ILCS 130/5). Subsection (a) defines a "firearm range" as including "a rifle, pistol, silhouette, skeet, trap, black powder, or similar range . . . used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm." Subsection (b) of this new section exempts the owner or operator of a firearm range in existence prior to January 1, 1994 from criminal liability "for any action for public or private nuisance or trespass", adding that "no court in the State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from normal use of the firearm range". Subsection (c) further limits the civil liability of those post-1993 ranges if they fulfill certain requirements. The range must be at least 1,000 yards from any permanently-occupied dwelling on an adjacent property, it must be indoors in a sound-proofed building, it must be located on land that complies with local zoning, or it must be operated by a governmental entity or licensed by the Department of Conservation.

IEC TO HOLD 20TH ANNIVERSARY CONFERENCE IN SPRINGFIELD

The Illinois Environmental Council (IEC) has announced its 20th annual conference for October 15, 1994. An announcement and more information appear on Page 3 of this issue.

APPELLATE UPDATE

THIRD DISTRICT DETERMINES THAT THIRD PARTIES MAY NOT APPEAL AN AGENCY DETERMINATION TO GRANT AN NPDES PERMIT

By its decision in *Citizens Utilities Co. of Illinois v. PCB* (3d Dist. Aug. 12, 1994, slip op., No. 3-93-0736), the Third District Appellate Court determined that a third party cannot appeal an Illinois EPA (Agency) determination to grant a permit. The court thus affirmed the Board's dismissal of the third party permit appeal, albeit on a different ground from that asserted by the Board.

At one time, the appellee, Village of Bolingbrook, was in a single Facility Planning Area (FPA), with the Village providing wastewater services to a portion of the area and the appellant, Citizens Utilities Company of Illinois providing those services to the rest of the area. The appellant, Village of Plainfield, was located in the nearby Plainfield FPA, in which that Village

provides wastewater services. A 1200 acre tract separated the Bolingbrook and Plainfield FPAs. The Village of Bolingbrook initiated proceedings before the Agency in 1992 to add the 1200 acre tract to the Bolingbrook FPA. Citizens Utilities and the Village of Plainfield intervened in opposition and filed a separate petition to add the tract to the Plainfield FPA. The Village of Bolingbrook then filed a proposed facility plan with the Agency, proposing that it construct and operate a new wastewater treatment plant for the 1200 acre tract. The Agency conducted hearings on the FPA and facility plan proposals, with Citizens Utilities and the Village of Plainfield intervening in opposition. The Agency issued a decision in 1993. It denied the Village of Plainfield's request to add the 1200 acres to the Plainfield FPA. The Agency added the tract to the Bolingbrook FPA and approved the Village of Bolingbrook's proposed wastewater facility.

In a separate proceeding before the Agency, the Village of Bolingbrook requested an NPDES permit for its proposed new

wastewater facilities in 1992. Citizens Utilities and the Village of Plainfield filed objections to the requested permit. The Agency denied the Citizens Utilities' and Village of Plainfield's requests for hearing and granted the Village of Bolingbrook the requested permit in 1993. Citizens Utilities and the Village of Plainfield appealed the Agency's grant of an NPDES permit to the Village of Bolingbrook before the Board. They argued numerous bases for the appeal. They filed this appeal pursuant to Board procedural rule 105.102(b)(3), which expressly allows third party appeals of Agency NPDES permit determinations. The Agency and the Village of Bolingbrook moved for dismissal on the basis that the Board lacked subject matter jurisdiction to hear the appeal. On June 17, 1993, the Board dismissed the appeal, concluding that the appeal was essentially a challenge of the Agency's FPA and facility approval determinations and holding that the Board lacked jurisdiction to hear appeals of these Agency determinations. Citizens Utilities and the Village of Plainfield appealed the Board's dismissal to the Third District Appellate Court.

The Third District agreed that the Board properly dismissed the appeal for a lack of subject matter jurisdiction, but the court arrived at that conclusion on a different basis from the Board. The Third District did not address the issue of appeals of Agency FPA and facility approval determinations. Rather, the Court noted that the Board's authority to hear permit appeals derives exclusively from the Environmental Protection Act. Noting that the Act allows appeals of Agency permit denials and the imposition of conditions in a grant of a permit, it observed that there is no similar authorization with regard to an Agency grant of a permit. The court followed the Supreme Court's conclusion to this effect in *Landfill, Inc. v. PCB* (1978), 74 Ill. 2d 541, 387 N.E.2d 258, which held that the act confers no authority for the Board to hear a third party appeal of a grant of a land permit. The Third District noted that the Act does not distinguish an NPDES permit appeal from any other type of permit appeal in conferring authority on the Board to hear these appeals. The Third District concluded that the only authority for the Board to hear an NPDES permit appeal was Board procedural rule 105.102, and that could not confer jurisdiction on the Board in the absence of statutory authorization.

RULEMAKING UPDATE

AMENDMENTS TO GROUNDWATER QUALITY STANDARDS ADOPTED, R93-27

On August 11, 1994, the Board adopted amendments to the groundwater quality standards. The amendments revise the Illinois groundwater quality standards of Part 620 to include additional contaminants. These contaminants are chemical species for which the U.S. EPA has adopted maximum contaminant levels for the purposes of the Safe Drinking Water

Act regulations (found at 40 CFR 141 and 35 Ill. Adm. Code 611). The amendments would add limitations for three metals and fourteen organic chemical contaminants to the lists of contaminants in Class I and Class II groundwaters.

The Illinois EPA (Agency) filed a petition on October 18, 1993 seeking the amendments. The Board held public hearings on February 8 and 23, 1994, in Springfield, and February 10, 1994, in Chicago. The Board proposed the amendments for First Notice publication in the *Illinois Register* on March 17, 1994 and for Second Notice review by the Joint Committee on Administrative Rules on June 11, 1994. (See *issues 481, Apr., 1994 & 484, July, 1994.*) Direct questions to Michelle C. Dresdow, at 815-753-0947. (Please refer to docket R93-27.)

AMENDMENTS TO MARATHON OIL COMPANY SITE-SPECIFIC RULE ADOPTED, R91-23

On August 11, 1994, the Board adopted amendments to a site-specific water pollution control regulation. Those amendments change the existing site-specific limitations applicable to Marathon Oil Company's discharges to an unnamed tributary to Sugar Creek (in the Wabash River basin). The effluent limitation for chlorides increase from 700 mg/l to 1000 mg/l, and the stream water quality standard for chlorides increase from 550 mg/l to 750 mg/l. The effluent limitation and the stream water quality standard for total dissolved solids remain unchanged by the amendments to Section 303.323 of the water pollution control regulations.

The Board proposed the amendments for First Notice publication in the *Illinois Register* on October 7, 1993 and proposed them for Second Notice review by the Joint Committee on Administrative Rules on June 23, 1994. (See *issues 476, Nov. 3, 1993 & 484, July, 1994.*) Direct questions to Michelle C. Dresdow, at 815-753-0947. Please refer to docket R91-23.

BOARD PROPOSES UST RULES FOR SECOND NOTICE, R94-2(A)

(Editor's note: As of the time this issue went to press, the Board had scheduled this matter for final adoption at its September 15, 1994 meeting. An article on the Second Notice proposal appeared as a feature in issue 485, Aug., 1994.)

On August 11, 1994, the Board proposed regulations for underground storage tank remedial actions for Second Notice review by the Joint Committee on Administrative Rules (JCAR) under docket number R94-2(A). The proposed rules would implement the extensive amendments to the LUST program adopted in P.A. 88-496. (*Issues 475, Oct. 6, 1993; 481, Apr., 1994 & 482, June, 1994.*) They would establish requirements for LUST remediation and reimbursement. The proposal includes provisions applicable to remediation of LUST sites, administration of the state's LUST reimbursement fund, reimbursement from the fund for costs of investigation and

remediation, and for the audit of corrective action efforts. The Board is required by P.A. 88-496 to adopt final rules for the administration of Illinois LUST program by September 15, 1994.

The Agency, pursuant to the mandate of P.A. 88-496, developed its regulatory proposal in conjunction with the Underground Storage Tank Advisory Committee and filed it with the Board on March 15, 1994. The Board adopted a proposal for First Notice publication in the *Illinois Register* on March 17, 1994.

The Board conducted five public hearings, concluding on June 8, 1994. At the hearings, the Illinois EPA (Agency) and other participants, including the UST Advisory Committee, the Illinois Environmental Regulatory Group (IERG), the Illinois Petroleum Marketers Association, the Illinois Petroleum Council, and the Illinois Department of Transportation, offered testimony on the Agency proposal. The Board adopted an interim opinion and order on August 1, to allow additional public comments before adopting a proposal for JCAR review.

Simultaneously to adopting the proposal on August 11, in response to the requests of several participants and a formal motion by IERG to sever the docket, the Board created a separate sub-docket B to consider generic clean-up objectives and alternative methodologies for determining objectives. Direct questions to Musette Vogel, at 217-524-8509. Please refer to docket R94-2.

PART I 15% ROP PLAN FOR VOM EMISSIONS PROPOSED FOR SECOND NOTICE, R94-12

On August 11, 1994, the Board proposed a new Clean Air Act (CAA) rulemaking proposal for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The proposed amendments, which are docketed as R94-12, would amend the volatile organic material (VOM) emissions regulations to begin to incorporate a plan for a 15 percent reduction in 1990 VOM emissions levels in the Chicago and Metro-East St. Louis areas (15% ROP plan). The state is federally required to reduce VOM emissions by 159 tons per day (tpd) in the Chicago area and by 36 tpd in the Metro-East area. The proposal would constitute Part I of a broader 15% ROP plan. The Illinois EPA (Agency) had filed three proposals through August 31, 1994, and it contemplated filing future proposals for additional parts of the overall ROP plan, in order to achieve the federal reductions requirements. *(Editor's note: The Agency filed the Part II proposal on May 26, 1994, and the Board proposed it for First Notice on June 6, 1994. The Agency filed the Part III proposal on June 15, 1994, and the Board proposed it for First Notice on June 23, 1994. As of the time this issue is going to press, the Agency was expected to file a Part IV proposal, which the Board would intend to propose for First Notice on September 15, 1994.*

The Board was scheduled to adopt the Part I ROP rules on September 15. See issues 483, June, 1994, 484, July, 1994 & 485, Aug., 1994.)

The Part I proposed amendments contemplate the use of pressure-vacuum relief valves on vent tubes at gasoline dispensing operations in both the Chicago and Metro-East areas and a lowering of the Reid vapor pressure (RVP) on gasoline from 9.0 psi to 7.2 psi in the Metro-East area. (Section 211(k) of the CAA will already require this RVP reduction in the Chicago area.) The Agency estimated that the use of pressure-vacuum relief valves will reduce emissions by 4 tpd in the Chicago area and by 0.4 tpd in the Metro-East area. The use of 7.2 RVP fuel will reduce emissions 8.5 tpd in the Metro-East St. Louis area.

The Agency filed the Part I proposal on April 24, 1994. The Board proposed the amendments for First Notice publication in the *Illinois Register* without substantive review on May 5, 1994. The Board held a public hearing on the proposal on June 17, 1994 and received the transcript of that hearing on an expedited basis on June 24. The Board cancelled two later scheduled hearings because the level of public interest did not warrant conducting them. This means that under Section 28.5(l), the record formally closed on July 8, 1994.

This rulemaking was accepted by the Board pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act (Act). Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances. Under Section 28.5(o), the Board was required to have adopted the proposal for Second Notice within 130 days on receipt of the proposal from the Agency, by September 1, 1994. The Board will now submit the proposed rules for Second Notice review by JCAR. Section 28.5(p) requires that the Board must adopt and file final rules based on the proposal within 21 days of when it receives a Certificate of No Objection from JCAR.

Direct questions to Michelle C. Dresdow, at 815-753-0947. Please refer to docket R94-12.

CATEGORIES OF INSIGNIFICANT ACTIVITIES OR LEVELS AT CAAPP SOURCES RULEMAKING PROPOSAL PROPOSED FOR SECOND NOTICE, R94-14

On August 11, 1994, the Board proposed certain amendments to the air permit regulations for Second Notice review by the Joint Committee on Administrative Rules. The proposed rulemaking, which is docketed as R94-14, would amend various of the air permit regulations to set forth informational requirements for sources subject to Section 39.5 of the Environmental Protection Act (Act), in order to meet federal Clean Air Act (CAA) requirements. The purpose is to define insignificant activities and emissions.

The CAA mandates that the state develop and submit a CAAPP to U.S. EPA by November 15, 1993 that meets Title V of the CAA. The CAA requires a source to submit detailed activities

and emissions information in its application for a permit program (CAAPP) permit, but that certain insignificant activities and emissions may be submitted as a list. Section 39.5(5)(w) of the Act, which the Illinois General Assembly adopted to fulfill the federal requirements, requires the Illinois Environmental Protection Agency (Agency) to propose regulations that define insignificant activities or emission levels by March 26, 1994. Section 39.5(5)(w) then requires the Board to conduct proceedings on the proposal and adopt final regulations in this regard within nine months of receiving the proposal from the Agency.

The Agency filed this CAA rulemaking proposal with the Board on May 11, 1994. On May 19, 1994, the Board accepted the proposal as a Section 28.5 "fast-track" rulemaking proceeding and set it for hearings. The Board also proposed the amendments for First Notice publication in the *Illinois Register* without substantive review on May 19. (See issue 483, June, 1994.) The Board conducted a public hearing on the proposal on June 28, 1994 and received the transcript of that hearing on an expedited basis on July 7. The Board cancelled two later scheduled hearings because the level of public interest did not warrant conducting them. This means that under Section 28.5(l), the record formally closed on July 21, 1994.

Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances. Under Section 28.5(o), the Board was required to have adopted the proposal for Second Notice within 130 days on receipt of the proposal from the Agency, by September 18, 1994. The Board will now submit the proposed rules for Second Notice review by JCAR. Section 28.5(p) requires that the Board must adopt and file final rules based on the proposal within 21 days of when it receives a Certificate of No Objection from JCAR. (Editor's note: As of the time this issue went to press, the Board had scheduled this matter for discussion at its September 15 agenda, with the intent of placing it on the October 6 agenda for final adoption.)

Direct questions to Diane F. O'Neill, at 312-814-6062. Please refer to docket R94-14.

ADDITIONAL HEARING SET IN WATER TOXICS PROCEEDING, R92-8

The Board has scheduled an additional hearing in the water toxics and bioaccumulation proceeding, R92-8. This hearing constitutes the continued consideration of this proceeding after the proponents filed an amended petition on June 23, 1993, then sought to have the Board defer hearings on that petition.

The Illinois Chapter of the Sierra Club, the Citizens for a Better Environment, the Lake Michigan Federation, and the McHenry County Defenders jointly initiated this proceeding when they filed their rulemaking petition on July 21, 1992. On September 3,

1992, the Board accepted the proposal and conducted public hearings on January 22, March 4 and 5, and April 14 and 15, 1993. Several members of the potentially-affected regulated community sought to stay the proceedings during the pendency of an unrelated appeal to the Illinois Supreme Court, until U.S. EPA adopted guidance implementing the Great Lakes Water Quality Initiative, and to allow the parties an opportunity to negotiate. (Editor's note: That appeal, *Granite City Div. of National Steel Co. v. PCB* (1993), 155 Ill. 2d 149, 613 N.E.2d 719, involved an unsuccessful judicial challenge to the water toxics amendments made in docket R88-21. See issue 469, Apr. 21, 1993.) By an order dated March 11, 1993, the Board denied that stay, and the hearings proceeded. (See issue 467, Mar. 24, 1993.) The hearing officer deferred hearing to allow negotiations on December 10, 1993 and March 25, 1994.

The petitioners noted that their proposal would amend the existing water quality regulations "to limit further and eventually eliminate the discharge of toxic and bioaccumulative pollutants, establish more enforceable water quality criteria and develop effective plans for limiting pollution in watersheds seriously affected by nonpoint pollution." Specifically proposed are additional numeric general water quality standards for 36 chemicals, methods to determine whole effluent toxicity-based criteria, and methods to determine and utilize bioaccumulation factors. The petitioners proposed to limit the term of site-specific rules and exemptions to five years as well as to require inclusion and consideration of additional information in applications for NPDES and pretreatment permits. The proposal also requests the addition of a Watershed Planning Process, which would require development of a comprehensive watershed plan for water bodies that contain chemical contaminants in excess of water quality standards or which fail to meet newly proposed biological integrity standards.

The hearing date and location, which may be continued on the record to the next day, as necessary, is as follows:

10:30 a.m., Wednesday, September 28, 1994

State of Illinois Center
100 West Randolph Street
Conference Room 9-040
Chicago, Illinois 60601

For additional information contact Kathleen M. Crowley, at 312-814-6929. (Please refer to docket R 92-8.)

RCRA SUBTITLE C UPDATE AMENDMENTS PROPOSED, R94-5

The Board proposed identical-in-substance amendments to the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste regulations for public comment on August 11, 1994. The proposed amendments are intended to

include amendments to the federal RCRA Subtitle C regulations adopted by U.S. EPA during the period January 1 through June 30, 1994. During this period, U.S. EPA undertook a handful of major regulatory actions of interest. It determined not to regulate certain wood surface protection wastes as hazardous wastes and expanded the exemption from regulation for certain hazardous wastes used in conducting treatability studies. U.S. EPA also clarified aspects of the used oil regulations and responded to a U.S. Supreme Court remand that determined that certain municipal incinerator ash wastes must be managed under RCRA Subtitle C. The Board also used this opportunity to propose corrective amendments to the Illinois RCRA Subtitle C rules. The primary corrections relate to correcting a federal error in citation to its own Spill Control and Countermeasures regulations in various locations.

The Board will accept public comments on the proposed amendments for 45 days after Notices of Proposed Amendments appear in the *Illinois Register*. This identical-in-substance proceeding will not be subject to Second Notice review by the Joint Committee on Administrative Rules before the Board may adopt amendments based on the proposal. Direct questions to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-17.

UIC UPDATE AMENDMENTS PROPOSED, R94-5

The Board proposed identical-in-substance amendments to the Illinois underground injection control (UIC) regulations for public comment on August 11, 1994. The proposed amendments are intended to include amendments to the federal UIC regulations adopted by U.S. EPA during the period July 1 through December 31, 1993. During this period, U.S. EPA amended its rules to clarify the current requirements for wells authorized by rule, the financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to propose a series of corrective amendments to the Illinois UIC rules. The first set of corrective amendments relates to references to federal regulations, and the second set relates to effective date references in the text and source notes.

The Board will accept public comments on the proposed amendments for 45 days after Notices of Proposed Amendments appear in the *Illinois Register*. This identical-in-substance proceeding will not be subject to Second Notice review by the Joint Committee on Administrative Rules before the Board may adopt amendments based on the proposal. Direct questions to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-5.

FOR YOUR INFORMATION

IEC TO HOLD 20TH ANNIVERSARY CONFERENCE IN SPRINGFIELD

The Illinois Environmental Council (IEC) has announced that it will hold its 20th annual conference.

The conference is scheduled to occur at 9:00 a.m., Saturday, October 15, 1994, at the State House (Capitol Building) in Springfield, in the House Chambers. The cost is \$40 for IEC members and \$45 for non-members. Direct questions to Mary Ann Becker, at 217-544-5954.

FINAL ACTIONS - August 1, 1994 SPECIAL BOARD MEETING

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| 93-87 | <u>People of the State of Illinois v. South Holland Metal Finishing Company, Inc.</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action, ordered the Cook County respondent to pay a civil penalty of \$3,000.00, and ordered it to cease and desist from further violation. | | accepted a stipulation and settlement agreement in this land enforcement action, ordered the Peoria County respondent to pay a civil penalty of \$20,000.00, and ordered it to cease and desist from further violation. |
| 94-180 | <u>People of the State of Illinois v. Great American Products, Inc.</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action, ordered the Cook County respondent to pay a civil penalty of \$10,000.00, and ordered it to cease and desist from further violation. | 94-185 | <u>People of the State of Illinois v. Division Lead Limited Partnership</u> - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action, ordered the Cook County respondent to pay a civil penalty of \$2,400.00, and ordered it to cease and desist from further violation. |
| 94-181 | <u>People of the State of Illinois v. Asbestos Control and Environmental Services Corp.</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action, ordered the DuPage County respondent to pay a civil penalty of \$3,000.00, and ordered it to cease and desist from further violation. | 94-186 | <u>People of the State of Illinois v. Coleman Cable Systems, Inc.</u> - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action, ordered the Lake County respondent to pay a civil penalty of \$2,900.00, and ordered it to cease and desist from further violation. |
| 94-182 | <u>People of the State of Illinois v. Phil Mollenck</u> - The Board accepted a stipulation and settlement agreement in this air and land enforcement action, ordered the Peoria County respondent to pay a civil penalty of \$1,000.00, and ordered it to cease and desist from further violation. | 94-188 | <u>People of the State of Illinois v. Vienna Sausage Manufacturing Company</u> - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action, ordered the Cook County respondent to pay a civil penalty of \$10,250.00, and ordered it to cease and desist from further violation. |
| 94-183 | <u>People of the State of Illinois v. BFI Medical Waste Systems of Illinois, Inc.</u> - The Board | | |

NEW CASES - August 1, 1994 SPECIAL BOARD MEETING

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| 94-198 | <u>Caterpillar, Inc. (Mapleton Facility) v. IEPA</u> - The Board held this land variance involving a facility in Peoria County for an Agency recommendation. | 94-200 | facility for hearing.
<u>Illinois Landfill, Inc. v. IEPA</u> - The Board held this land variance involving a Vermilion County facility for an Agency recommendation. |
| 94-199 | <u>Citizens Utilities Company of Illinois v. IEPA</u> - The Board accepted this NPDES permit appeal involving a Will County | 94-201 | <u>People of the State of Illinois v. Becker</u> |

	<u>Bros., Inc. and G. Raymond Becker, Jr.</u> - The Board accepted this air enforcement action against a Peoria County facility for hearing.		against a Madison County facility.
94-202	<u>People of the State of Illinois v. Summit Environmental Services, Inc.</u> - The Board accepted this RCRA enforcement action	94-203	<u>Citizens Utilities Company of Illinois and the Village of Plainfield v. IEPA and the Village of Bolingbrook</u> - The Board held this third party NPDES permit appeal involving a Will County facility.

FINAL ACTIONS - August 11, 1994 BOARD MEETING

91-197	<u>Cabot Corporation v. IEPA</u> - The Board granted voluntary withdrawal of this RCRA permit appeal involving a Douglas County facility.		penalty of \$25,000.00, and ordered it to cease and desist from further violation.
92-143	<u>Dietzgen Corporation v. IEPA</u> - The Board granted voluntary dismissal of this air variance involving a Cook County facility.	94-61	<u>Produce Wagon, Inc. v. IEPA</u> - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Sangamon County facility.
92-199	<u>Twomey Company v. IEPA</u> - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Warren County facility.	94-72	<u>Laidlaw Waste Systems (Madison), Inc. v. IEPA</u> - The Board granted voluntary dismissal of this land permit appeal involving a Madison County facility.
92-211	<u>Safety-Kleen Corporation (Urbana Facility) v. IEPA</u> - The Board granted voluntary withdrawal of this RCRA permit appeal involving a Champaign County facility.	94-93	<u>White Cap, Inc. v. IEPA</u> - The Board granted this Cook County facility a variance from certain of the volatile organic materials emissions air pollution control regulations subject to condition. (This variance essentially extends the term of a variance granted April 22, 1993 in docket PCB 92-155, which expired April 22, 1994, until no later than April 22, 1996.)
93-46	<u>St. Louis Auto Shredding v. IEPA</u> - The Board granted voluntary withdrawal of this land permit appeal involving a St. Clair County facility. (Formerly consolidated with PCB 93-45, which is still pending.)	94-122	<u>Thrall Car Manufacturing Co. v. IEPA</u> - The Board granted voluntary dismissal of this air permit appeal involving a Cook County facility.
93-255	<u>Lindsay-Klein Chevrolet-Olds, Inc., d/b/a Chuck Lindsay Chevrolet-Olds, Inc. v. Office of the State Fire Marshal</u> - The Board affirmed the OSFM's determination that the petitioner is ineligible to access the UST Fund in this underground storage tank reimbursement appeal involving a White-side County facility.	94-126	<u>Grayslake Feed Sales, Inc., Outdoor Power Equipment v. IEPA</u> - The Board granted voluntary withdrawal of this underground storage tank reimbursement appeal involving a Lake County facility.
94-41	<u>People of the State of Illinois v. Bob Evans Farms, Inc.</u> - The Board accepted a stipulation and settlement agreement in this water enforcement action, ordered the Henry County respondent to pay a civil	94-132	<u>Village of Diamond v. IEPA</u> - The Board granted this Grundy County facility a five-year variance from public water supplies permit standards for issuance and restricted

- status regulations, as they apply to the facility for exceedance of the drinking water standards for combined radium and gross alpha particle activity, subject to conditions.
- 94-139 J. M. Sweeney Co. v. IEPA - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Cook County facility.
- 94-156 Stepan Company (Millsdale Facility) v. IEPA - The Board granted voluntary dismissal of this NPDES permit appeal involving a Will County facility.
- 94-158 Macon County Landfill v. IEPA - The Board granted this Macon County facility a twelve-month variance from the regulatory deadline for filing an application for significant landfill permit modification. Board Member M. McFawn concurred.
- 94-160 BTL Specialty Resins Corporation v. IEPA - The Board found no proper jurisdictional basis for this RCRA permit appeal involving a Cook County facility and granted involuntary dismissal.
- 94-161 Envirite Corporation, d/b/a County Environmental of Livingston v. IEPA - The Board granted this Livingston County facility a twelve-month variance from the regulatory deadline for filing applications for significant landfill permit modification. Board Member M. McFawn concurred.
- 94-168 Emro Marketing Company v. Office of the State Fire Marshal - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Cook County facility.
- 94-187 People of the State of Illinois v. Hi Grade Alloy Corporation - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action, ordered the Cook County respondent to pay a civil penalty of \$2,100.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-190 People of the State of Illinois v. Best Foam Fabricators - The Board accepted a stipulation and settlement agreement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action, ordered the Cook County respondent to pay a civil penalty of \$2,550.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-205 Russell Bacon v. IEPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement appeal involving a McLean County facility.
- 94-217 The Finishing Company v. IEPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at its Cook County facility.
- 94-218 City of Pekin v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Tazewell County facility a 45-day provisional variance from the biochemical oxygen demand (CBOD), suspended solids (TSS), and fecal coliform wastewater effluent requirements.
- 94-219 Metropolitan Water Reclamation District of Greater Chicago v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance from the wastewater effluent requirements.
- AC 94-35 County of Jackson v. James Qualls - The Board entered a default order, finding the Jackson County respondent had violated Sections 21(p)(1), 21(p)(2), 21(p)(3), 21(p)(4), and 21(p)(5) of the Act and ordering him to pay a civil penalty of \$2,500.00.
- AC 94-36 Sangamon County v. Edward Combs - The Board order entered a default order, finding that the Sangamon County respondent had violated Sections 21(p)(1) and 21(p)(3) of

- the Act and ordering him to pay a civil penalty of \$1,000.00.
- AC 94-38 IEPA v. Ex-Tech Plastics, Inc. - The Board granted voluntary dismissal of this administrative citation against a McHenry County respondent.
- AC 94-40 IEPA v. Atkinson Landfill Company - The Board entered a default order, finding that the Henry County respondent had violated Sections 21(0)(1), 21(o)(2), 21(o)(3), 21(o)(5), 21(o)(9) and 21(o)(12) of the Act and ordering it to pay a civil penalty of \$3,000.00.
- AC 94-41 IEPA v. Gordon McCann and Larson Foundation - The Board accepted an agreed order, finding that the Logan County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00.
- AC 94-42 IEPA v. Wayne D. Alberts and Sharon J. Alberts - The Board entered a default order, finding that the Logan County respondents had violated Sections 21(0)(1)
- and 21(o)(3) of the Act and ordering them to pay a civil penalty of \$1,000.00.
- AS 94-7 In the Matter: Petition of Rhône-Poulenc Basin Chemical Company and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.201 and 304.105 - The Board granted the Cook County petitioners an adjusted standard, with conditions, from the total dissolved solids and sulfates water quality standards that would otherwise apply to certain segments of Thorn Creek.
- R91-23 In the Matter of: Marathon Oil Company Petition for Site-Specific Rule Change, 35 Ill. Adm. Code 303.323 - See Rulemaking Update.
- R93-27 In the Matter of: Groundwater Protection: Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620 - See Rulemaking Update.

NEW CASES - August 11, 1994 BOARD MEETING

- 94-204 Mary Lou Powell v. Mr. M. Ceisel and Laser Express Auto Bath - The Board held this citizen's noise enforcement action against a DuPage County facility for a frivolous and duplicitous determination.
- 94-205 Russell Bacon v. IEPA - See Final Actions.
- 94-206 Comerica Bank-Illinois v. Office of the State Fire Marshal - The Board accepted this underground storage tank appeal involving a Cook County facility for hearing.
- 94-207 Wilmer Brockman, Jr. and First Midwest Bank/Illinois, as Trustee Under Trust No. 757 v. IEPA - The Board accepted this land permit appeal involving a LaSalle County facility for hearing.
- 94-208 A.E. Staley Manufacturing Company v. IEPA - The Board accepted this air permit appeal involving a Macon County facility for hearing.
- 94-209 Safety-Kleen Corporation (Caseyville Service Center) v. IEPA - The Board accepted this RCRA permit appeal involving a St. Clair County facility for hearing.
- 94-210 Violet Miksa, as authorized representative of Holiday Bakers v. Office of the State Fire Marshal - The Board accepted this underground storage tank appeal involving a Cook County facility for hearing.
- 94-211 City of Spring Valley v. IEPA - The Board held this public water supply variance involving a Bureau County facility for an

- Agency recommendation.
- 94-212 Waste Management of Illinois, Inc. v. IEPA - The Board held this land variance involving a Kane County facility for an Agency recommendation.
- 94-213 Wayne G. Busse and Wickersham & Associates, Inc. v. IEPA - The Board accepted this underground storage tank appeal involving a Cook County facility for hearing.
- 94-214 Amoco Oil Company v. IEPA - The Board accepted this underground storage tank appeal involving a Will County facility for hearing.
- 94-215 Stroh Oil Company v. Office of the State Fire Marshal - The Board accepted this underground storage tank appeal involving a Menard County facility for hearing.
- 94-216 Amoco Oil Company v. IEPA - The Board accepted this underground storage tank appeal involving a Kane County facility for hearing.
- 94-217 The Finishing Company v. IEPA - See Final Actions.
- 94-218 City of Pekin v. IEPA - See Final Actions.
- 94-219 Metropolitan Water Reclamation District of Greater Chicago v. IEPA - See Final Actions.
- AS 94-11 In the Matter of: Petition of Winnebago Reclamation Service, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Part 811, Sections 811.710(c) and 811.713(c)(1)
- The Board accepted this petition on behalf of a Winnebago County facility for an adjusted standard from certain of the landfill financial responsibility requirements for hearing.
- AS 94-12 In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 807.665(b) and 811.714(b) - The Board accepted this petition on behalf of facilities in 14 counties for an adjusted standard from certain of the landfill financial responsibility requirements, and, having received a request, the Board set this matter for hearing.
- AS 94-13 In the Matter of: Petition of Browning-Ferris Industries of Illinois, Inc.; Browning-Ferris Industries of Iowa, Inc.; and Browning-Ferris Industries Modern Landfill, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Section 811.714(b)
- The Board accepted this petition on behalf of Lake, Ogle, Rock Island, St. Clair and Dupage County facilities for an adjusted standard from certain of the landfill financial responsibility requirements, and, having received a request, the Board set this matter for hearing.
-

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.

September 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
September 2 10:00 a.m.	PCB 94-179 L-S-R	<u>Solvent Systems International v. Village fo Hampshire</u> - Hampshire Village Hall, Samuel Rowell Meeting Room, 234 South State Street, Hampshire.
September 7 10:00 a.m.	PCB 93-196 A-V	<u>TRW, Inc. v. EPA</u> - Clark County Courthouse, County Board Room, Marshall.
September 8 10:15 a.m.	R94-19 R, Air	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations, 35 Ill. Adm. Code 240 (fast-track)</u> - James R. Thompson Center, 100 West Randolph Street, Room 8-031, Chicago.
September 8 10:00 a.m.	R94-20 R, Air	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations, 35 Ill. Adm. Code 240 (identical-in-substance)</u> - James R. Thompson Center, 100 West Randolph Street, Room 8-031, Chicago.
September 14 10:00 a.m.	PCB 94-177 L-V, RCRA	<u>Burlington Environmental, Inc. v. EPA</u> - Columbia City Hall, City Council Chambers, 208 Rapp Street, Columbia.
September 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
September 19 10:00 a.m.	PCB 94-192 UST-FRD	<u>Christ Episcopal Church v. Office of the State Fire Marshall</u> - Waukegan City Hall, Upstairs Conference Room, 106 North Utica, Waukegan.
September 28 10:30 a.m.	R 92-8 R, Water	<u>In the Matter of: Amendments to 35 Ill. Adm.Code Subtitle C (Water Toxics and Bioaccumulation)</u> - James R. Thompson Center, 100 West Randolph Street, Room 9-040, Chicago.
September 30 10:00 a.m.	PCB 94-150 A&N-E, Citiz.	<u>Angela M. White v. Terry & Billie Van Tine & Schneider Transport, Inc.</u> - City Council Chambers, 211 North Hamilton, Monticello.
October 4 1:00 p.m.	AC 94-8 AC	<u>EPA v. Atkinson Landfill Company (Henry County Landfill #2)</u> - E.M.A. office, Henry County Jail, Cambridge.
October 6 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 7 10:00 a.m.	R94-19 R, Air	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations, 35 Ill. Adm. Code 240 (fast-track)</u> - James R. Thompson Center, 100 West Randolph Street, Room 9-040, Chicago.

October 12 9:00 a.m.	PCB 94-127 L-E	<u>People of the State of Illinois v. James Lee Watts, individually and d/b/a Watts Trucking Service, Inc., and ESG Watts, Inc. - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.</u>
October 12 10:00 a.m.	PCB 94-207 P-A, Land	<u>Wilmer Brockman, Jr. and First Midwest Bank/Illinois, as Trustee under Trust No. 757 v. EPA - Sheriff's Training Room, 707 Aetna Road, Ottawa.</u>
October 13 10:00 a.m.	PCB 94-74 A-E	<u>People of the State of Illinois v. Glen Fearneyhough, d/b/a Beardstown Lumber & Ready Mix - Beardstown City Hall, Courtroom, 101 West 3rd Street, Beardstown.</u>
October 13 10:00 a.m.	PCB 94-208 P-A, Air	<u>A.E. Staley Manufacturing Co. v. EPA - Decatur Civic Center, Third Floor, Small Conference Room, 1 Gary K. Anderson Plaza, Decatur.</u>
October 14 9:30 a.m.	AS 94-11 Land	<u>In the Matter of: Petition of Winnebago Reclamation Service, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.710(c) and 811.713(c)(1) - County Boardroom, 400 West State Street, Rockford.</u>
October 19 10:00 a.m.	PCB 94-98 L-S-R, 3d P	<u>Beardstown Area Concerned Citizens for a Better Environment v. City of Beardstown and Southwest Energy Corp. - Elk's Club, 205 East Second Street, Beardstown.</u>
October 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 20 10:30 a.m.	PCB 94-134 A&W-E	<u>People of the State of Illinois v. Bakley Construction Corp. - McHenry County Government Center, Room B358, 2200 North Seminary, Woodstock.</u>
October 21 10:00 a.m.	R94-19 R, Air	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations, 35 Ill. Adm. Code 240 (fast-track) - James R. Thompson Center, 100 West Randolph Street, Room 9-040, Chicago.</u>
October 25 10:00 a.m.	AS 94-12 Land	<u>In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 807.665(b) and 811.714(b) - Christian County Courthouse, Board Room, 2nd Floor, 101 North Main Street, Taylorville.</u>
October 25 1:00 p.m.	PCB 94-146 N-E, Citiz.	<u>Dorothy L. Hoffman v. City of Columbia - Columbia City Hall, City Council Room, 208 South Rapp, Columbia.</u>
October 28 10:00 a.m.	PCB 94-26 P-A, Air	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson, Robinson.</u>
October 28 10:00 a.m.	PCB 94-27 A-V	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson, Robinson.</u>
November 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
November 9 9:30 a.m.	PCB 94-205 P-A, RCRA	<u>Safety-Kleen Corporation (Dolton Recycling Center) v. EPA - James R. Thompson Center, 100 West Randolph Street, Room 11-500, Chicago.</u>

November 15 10:00 a.m.	AS 91-13 Water	<u>In the Matter of: Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - Rock Island City Hall, Council Chambers, 1528 Third Avenue, Rock Island.</u>
November 16 9:30 a.m.	AS 91-13 Water	<u>In the Matter of: Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - Rock Island City Hall, Council Chambers, 1528 Third Avenue, Rock Island.</u>
November 17 9:00 a.m.	PCB 94-176 P-A, Land	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. EPA - Springfield Municipal Building, City Council Chambers, Third Floor, 7th and Monroe Streets, Springfield.</u>
November 18 9:00 a.m.	PCB 94-176 P-A, Land	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. EPA - Springfield Municipal Building, City Council Chambers, Third Floor, 7th and Monroe Streets, Springfield.</u>
December 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 12 10:00 a.m.	PCB 94-191 P-A, NPDES	Arco Products Company, a Division of Atlantic Richfield Company v. EPA - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
December 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
January 12 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
February 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
March 16 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
May 18 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

Calendar Code

3d P	Third Party Action	A-CA	Administrative Citation
A-E	Air Enforcement	A&N-EA	Air and Noise Enforcement
A-S	Adjusted Standard	A-VA	Air Variance
A&W-E	Air and Water Enforcement	Citiz.	Citizens' Action
CSO	Combined Sewer Overflow Exception	EPCRA-EE	Emergency Planning and Community Right to Know Act Enforcement
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting

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	RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)
RCRA-E	RCRA Enforcement	RCRA-V	RCRA Variance
S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule
T-C	Tax Certifications	T-S	Trade Secrets
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWSE	Water-Well Setback Exception		

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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:

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The Environmental Register is a newsletter published by the Board monthly. 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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