

ENVIRONMENTAL REGISTER

No. 401

March 21, 1990

LANDFILL RULES ADOPTED FOR FIRST NOTICE, R88-7

At a special meeting held on March 1, 1990, the Board adopted, for first notice publication in the Illinois Register, a revised set of proposed regulations to establish comprehensive design, performance, and reporting requirements for all landfills, including those on-site facilities exempt from the requirement to have a permit pursuant to Section 21(d) of the Act. These rules contain amendments in response to public comments received on a prior version of the landfill rules adopted by the Board in February, 1988 and published in 12 Illinois Register 7069 (April 22, 1988). Adoption of a second first notice proposal was required by Section 5.01 of the Administrative Procedure Act, which requires that rulemaking be completed within one year of appearance of the rules in the Illinois Register. The one year period had expired during the time the economic impact study was being prepared by the Department of Energy and Natural Resources.

The proposed rules are scheduled to appear in the March 6, 1990 Illinois Register. The 177 page proposed rules are explained and supported by a 45 page proposed Opinion of the Board and a 258 page technical document prepared by the Scientific/Technical Section. These materials were mailed on March 8 to in-excess-of 250 person and organizations who are on the Board's notice list in this proceeding. Due to the ever-increasing costs of duplication and reproduction, the Board will provide single copies of these materials free of charge but persons and organizations requesting

multiple copies will be charged at the Board's usual rate of \$0.25 per page.

Requests for copies should reference Docket R88-7 and be made in writing to Velma Scott at the Board's Chicago Office.

A single hearing has been scheduled to receive final comments on this proposal:

Friday, April 6, 1990
10:00 a.m.
State of Illinois Center
Conference Room 9-031
100 W. Randolph Street
Chicago, IL 60601

Preference in scheduling will be given to persons who prefile testimony, or outlines of testimony, on or before March 30, 1990 consistent with the directions in the March 8, 1990 Notice of Hearing. Due to the unusual number of hearings held to develop and explain this proposal, in Docket 88-7 and its predecessor R84-17, and the length of the previous public comment period, the Board does not anticipate scheduling any more than this single hearing and anticipates that the public comment period will be closed April 30, 1990, the 45th day after Illinois Register publication.

Additional information can be obtained by contacting the Hearing Officer, Kathleen Crowley at (312) 814-3620.

BOARD DENIES EAST MOLINE'S REQUEST FOR SITE-SPECIFIC RULE, R87-35

At its March 8, 1990 meeting, the Board denied the City of East Moline's petition to adopt a site-specific rule to exempt the City's public water supply treatment plant discharge from the effluent standards for total suspended solids, iron and manganese (35 Ill. Adm. Code 304.124). East Moline's discharges currently are directed to an unnamed tributary to the Mississippi River; the City did offer to construct a direct pipeline to the river as an alternative to treatment, if the Board determined that continued discharge to the unnamed tributary was unacceptable. The City stated that the cost of compliance measures, which it estimated at \$750,000, made compliance economically unreasonable, noting the area's recent economic reversals, the purportedly minimal effect on the Mississippi River and its unnamed tributary, and competing public works projects needed by the City.

A number of threshold legal issues were raised, including whether the unnamed tributary (which the City referred to as a "ditch") is a "water of the State", and whether the Board could grant the proposed rule consistently with the federal NPDES "anti-backsliding" provisions. The Board, citing previous case decisions, held that the tributary is a protected "water of the State" and that "anti-backsliding" provisions do not apply.

As to environmental impact, the Board found that the unnamed tributary was significantly impacted, both in terms of sediment deposition and impact on benthic invertebrate organisms. As for the river, the Board noted that the City did not clearly demonstrate the plant's effects; further, the Board rejected site-specific rulemaking as a device for abandoning the State's traditional use of technology-based standards.

As for economic hardship, the Board rejected arguments based on East

Moline's current economic climate. The Board noted that the economic downturn of the area, being relatively recent in origin and, hopefully, temporary in nature, does not warrant permanent relief. The Board found that the temporary 10% rate hike (about \$2 per month per household) which the City stated would be needed if its request were denied was not economically unreasonable.

BOARD ADOPTS RCRA UPDATE, R89-9

On March 8, 1990, the Board (7-0) adopted a final Opinion and Order in R89-9, the RCRA update for USEPA rules adopted during the period January 1 through June 30, 1990. The rules will be filed with the Code Division around April 9, 1990.

This update to the hazardous waste rules includes the "second third" waste bans and amendments to the "three tier" RCRA permit modification rules.

Questions about these rules should be directed to Morton Dorothy at (217) 333-5575.

BOARD ADOPTS UST UPDATE, R89-10

On February 22, 1990, the Board (7-0) adopted a final Opinion and Order in R89-10, the UST update for USEPA rules adopted during the period October 27, 1988, through June 30, 1989. This update period includes all USEPA amendments since the initial readoption of the program in R88-27 and R89-4. The rules will be filed with the Code Division around March 22, 1990.

These amendments correct minor errors in the adoption of the program.

Questions should be directed to Morton Dorothy at (217) 333-5575.

BOARD PROPOSES UST UPDATE, R90-3

On March 8, 1990, the Board (7-0) proposed to update the UST rules to include USEPA amendments during the period July 1 through December 31, 1989. These amendments concern termination of insurance coverage. The Board will receive public comments for 45 days after the date of publication in the Illinois Register. To get on the mailing list, contact

Morton Dorothy at (217) 333-5575.

This update is related to the January 11, 1990, proposal, in R89-19.

That proposal would allow the use of the UST State Fund to meet the financial assurance requirements of 35 Ill. Adm. Code 731. R89-19 appeared on February 23, 1990, at 14 Ill. Reg. 2791. The public comment period in R89-19 will run through April 5, 1990.

BOARD AND STAFF ACTIVITIES

Board Member Jacob Dumelle spoke

on "20 Years of Environmental Protection" before the faculty of Glenbard North High School in Carol Stream on March 1. On March 11 he spoke in Batavia before the Human Ecology Group on "Air Toxics in the Breathing Zone: Diesel Exhaust and Leaf Burning Smoke".

On March 6, 1990, the Board's Intergovernmental Affairs Attorney, Phillip Van Ness, participated in the "Environmental Management Workshop Series" sponsored by the Illinois Chamber of Commerce. Mr. Van Ness's presentation focused on the Board's role and procedures in permit appeals.

Board Member Ronald C. Flemal gave a talk to participants of the Northern Illinois University Chatauqua Conference on "Development of Groundwater Policy" on March 11, 1990. He also is a member of the Environmental/Chemical panel reviewing proposals submitted under the Illinois Technology Challenge Grant Program.

On March 15, 1990, Board Member Bill Forcade gave a speech to the Geography Club of Northeastern Illinois University in Chicago. The speech was entitled "Earth Day 20 years later, our environmental health"

FINAL ACTIONS - MARCH 8, 1990 BOARD MEETING

- PCB 87-139 Thomas and Lisa Annino v. Browning-Ferris Industries of Illinois - This matter was dismissed on the Board's motion and the docket closed.
- PCB 87-201 Monsanto Co. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 88-122 Waste Management of Illinois, Inc. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 88-151 Citizens Utilities Company of Illinois v. IEPA - The Board accepted the Agency Recommendation and denied petitioner variance from the Board's public water supply regulations concerning Standards for Issuance and Restricted Status relating to combined radium-226 and radium-228 for its Cook County facility. Board Member R. Flemal dissented on both the Order and the Opinion. Board Members J. D. Dumelle and B. Forcade concurred on the Opinion.
- PCB 89-78 Moline Corp. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 89-101 A.R.F. Landfill Corp. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 89-104 In The Matter Of: Metropolitan Waste Systems, Inc. and Chicago West Pullman Transportation Corp., success-in-interest to Chicago Rail

- Link - This matter was dismissed on petitioner's motion. Board Member J. T. Meyer abstained.
- PCB 89-160 IEPA v. P.L. Dillon Limestone, Inc. an Illinois Corp. - The Board accepted the Stipulation and Proposal for Settlement which found respondent violated the Act and Board air pollution regulations and imposed a fine of \$1,500 concerning its Jo Daviess County facility.
- PCB 89-161 IEPA v. Technical Products, Inc. - The Board accepted the Stipulation and Settlement Agreement which found respondent in violation of the Act and Board air pollution regulations, imposed a fine of \$3,000, and ordered respondent to cease and desist from the alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-34 Burlington Northern Railroad Co. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site storage of hazardous waste at its Knox County facility.
- AC 88-76 County of DuPage v. E & E Hauling, Inc. - The Board Ordered respondent AC 88-77 to pay into the General Revenue Fund \$1,896 as compensation for assessed DOCKET Bhearing costs and closed the docket. Board Member J. Anderson dissented.
- AC 89-122 IEPA v. Stryker International - The Board found respondent violated Sections 21(p)(12) and 21(p)(1) of the Act and imposed a fine of \$1,000.
- AC 89-202 IEPA v. James Laurenzana - This matter was dismissed on the Agency's motion.
- AC 89-230 IEPA v. Ronald Griffith - This matter was dismissed on the Agency's motion.
- AC 89-293 IEPA v. Land & Lakes Co. - This matter was dismissed on the Agency's motion.
- AC 89-306 IEPA v. Walter Rockamann - The Board found respondent violated Section 21(a)(1) of the Act and imposed a fine of \$500.
- AC 90-7 IEPA v. Roger Smith - The Board denied respondent's petition for relief from the Board's Default Order of February 22, 1990.
- AC 90-14 IEPA v. W.W. Sanitation, Inc. - The Board found respondent violated Section 21(p)(5) of the Act and imposed a fine of \$500.

NEW CASES MARCH 8, 1990

- PCB 90-26 Morton International, Inc., v. IEPA - Petitioner seeks review of Agency imposed terms and conditions in its permit application for its McHenry County facility. Accepted for hearing.
- PCB 90-27 Shell Oil Co. v. IEPA - Petitioner seeks variance from the Board's water pollution regulations for its Madison County facility. Accepted for hearing.
- PCB 90-28 USS Steel, a Division of USX Corp. v. IEPA - Petitioner seeks variance from the Board's water pollution regulations for its Cook County facility. Accepted for hearing.
- PCB 90-29 Laclede Steel Co. v. IEPA - Petitioner seeks variance from the Board's water pollution regulations for its Madison County facility. Accepted for hearing.
- PCB 90-30 Granite City Division of National Steel Corp. v. IEPA - Petitioner

- seeks variance from the Board's water pollution regulations for its Madison County facility. Accepted for hearing.
- PCB 90-31 R. Lanvin & Sons, Inc. v. IEPA - Petitioner seeks variance from the Board's water pollution regulations for its Lake County facility. Accepted for hearing.
- PCB 90-32 Multi-County Landfill, Inc. v. IEPA - Petitioner seeks review of permit denial for its Douglas County facility. Accepted for hearing.
- PCB 90-33 National Steel Co. v. IEPA - Petitioner seeks review of certain Agency imposed permit conditions for its Madison County facility. Hearing authorized.
- PCB 90-34 Burlington Northern Railroad Co. v. IEPA - See Final Actions.
- PCB 90-35 Pollution Control Industries of America v. IEPA - Petitioner seeks review of permit denial for special waste hauling at its Cook/Sangamon County facility. Hearing authorized.

CALENDAR *

- March 21 10:00 a.m. N-E John Zarlenga and Jean Zarlenga v. Partnership Concepts, et al. - PCB 89-169, Bloomingdale Village Hall, 201 South Bloomingdale Road, Bloomingdale.
- March 22** **Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- March 22 10:00 a.m. A-C EPA v. Jack Wright - AC 89-227, Council Chambers, South Beloit City Hall, 519 Blackhawk Blvd., South Beloit.
- March 23 1:15 p.m. A-C EPA v. Roger Miller - AC 89-145, Mahomet Area Community Building, 510 East Main, Mahomet.
- March 23 10:00 a.m. W-V John N. Metropulos, Jr., Martha G. Metropulos v. EPA and Village of Lake Zurich - PCB 89-63, Lake Zurich City Hall, Board Hearing Room, 70 East Main Street, Lake Zurich.
- March 23 10:00 a.m. A-C EPA v. Land & Lakes Company (Land & Lakes 1 and 2) - AC 89-292, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
- March 27 10:00 a.m. A-E EPA v. Colwell General, Inc. - PCB 89-180, State of Illinois Center, 100 W. Randolph Street, Suite 11-500, Chicago.
- March 28 10:15 a.m. P-A Modine Manufacturing Company v. EPA - PCB 86-124, McHenry Public Library, 1011 North Green St., McHenry.
- March 28 9:30 a.m. A-E People of the State of Illinois v. Crown Cork & Seal Co., Inc. - PCB 89-159, Kankakee Detention Center, 400 East Merchant, Kankakee.
- March 28 10:30 a.m. R Site-Specific Rule Change for Abbott Laboratories (Pharmaceuticals) R88-14, Lake County Courthouse, Tenth Floor Assembly Room, 18 North County Road, Waukegan.
- March 28 10:00 a.m. A-S The Nutra Sweet Company and Consumers Illinois Water Company Petition for an Adjusted Standard, 35 Ill. Adm. Code 304.105 and 302.208 - AS 89-3, University Park Village Hall, Village Board Room, 698 Burnham, University Park.
- March 29 10:00 a.m. P-A Highland Supply Corporation v. EPA - PCB 89-118, City Council Chambers, Highland City Hall, 1115 Broadway,

Highland.

March 29 9:30 a.m. R Groundwater Quality Standards (35 Ill. Adm. Code 620) - R89-14, State of Illinois Center, 100 West Randolph St., Room 9-040, Chicago.

March 29 1:00 p.m. A-E People of the State of Illinois v. ABC Rail Corporation - PCB 90-13, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

March 29 9:00 a.m. A-C EPA v. James Gilmer - AC 89-289, County Board Room, Douglas County Courthouse, 401 South Center Street, Tuscola.

March 30 9:30 a.m. R Groundwater Quality Standards (35 Ill. Adm. Code 620) - R89-14 9:30 a.m., State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.

March 30 9:00 a.m. A-V Wrico Packaging, a Division of Wm. Wrigley Jr. Company v. EPA - PCB 89-124, LaGrange Park Village Hall, 447 North Catherine Avenue, LaGrange Park.

April 2 9:30 a.m. P-A Douglas Furniture v. EPA - PCB 90-22, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago. (If necessary will continue on April 6, 1990, same time and place).

April 5 9:30 a.m. A-E People of the State of Illinois v. Crown Cork and Seal Company Inc. - PCB 89-201, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

April 6 9:30 a.m. N-E Tony F. Martin and Patricia R. Martin v. Oak Valley Wood Products - PCB 89-179, Richland County Courthouse, Jury Room, 3rd Floor, Olney.

April 6 10:00 a.m. A-C EPA v. Robert A. Sanvi - AC 89-296, Council Chambers, City Hall, 304 West Main Street, Staunton.

April 6 10:00 a.m. R Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills - R88-7, State of Illinois Center, 100 W. Randolph St., Room 9-031, Chicago.

April 9 1:00 p.m. P-A Rock-Ola Manufacturing Corporation v. EPA - PCB 90-24, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

April 11 9:30 a.m. A-C EPA v. City of Streator - AC 89-299, City Council Chambers, 204 S. Bloomington St., Streator.

April 12 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

April 17 10:00 a.m. A-E People of the State of Illinois v. Wisconsin Can Company - PCB 90-15, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

April 17 10:00 a.m. R Hazardous Waste Prohibitions - R86-9 (Docket B), Northeastern Planning Commission, 400 W. Madison St., Suite 200, Chicago.

April 18 9:30 a.m. P-A D & B Refuse Service, Inc. v. EPA - PCB 89-106, Moultrie County Courthouse, Grand Jury Room, Third Floor, Sullivan.

April 19 10:00 a.m. N-E Vito Zivoli v. Prospect Dive and Sports Shop Ltd. and Michael S. Ropers - PCB 89-205, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

April 19 11:00 a.m. P-A National Coatings, Inc. v. EPA - PCB 89-181, Knox County Courthouse, Second Floor, Bailiff's Office, Galesburg.

April 20 10:00 a.m. P-A Olney Sanitary Systems and Andrew Ochs v. EPA - PCB 89-175, City Council Room, City Hall, 300 South Whittle, Olney.

April 20 9:00 a.m. P-A Pekin Energy Company v. EPA - PCB 89-171, Tazewell County Board Room, 3rd Floor, 11 South 4th St., Mackenzie Building, Pekin.

April 23 10:30 a.m. A-E People of the State of Illinois v. DuPage Plating Co., Inc. - PCB 90-19, 188 Industrial Drive, Room 438, Elmhurst.

April 25 10:00 a.m. A-S In the Matter of: Safety-Kleen Corporation Petition for Adjusted Standard, 35 Ill. Adm. Code 720.131(c) AS 89-5, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

April 25 10:00 a.m. P-A The City of Metropolis v. EPA - PCB 90-8, City Council Chambers, Metropolis City Hall, 106 West 5th St., Metropolis.

April 26 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

April 26 10:00 a.m. P-A The City of Metropolis v. EPA - PCB 90-8, City Council Chambers, Metropolis City Hall, 106 West 5th St., Metropolis.

April 27 10:00 a.m. P-A The City of Metropolis v. EPA - PCB 90-8, City Council Chambers, Metropolis City Hall, 106 West 5th St., Metropolis.

April 27 9:30 a.m. P-A Pollution Control Industries of America v. EPA - PCB 90-35, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

May 1 11:00 a.m. R Hazardous Waste Prohibitions - R86-9 (Docket B), Stratton Building, D-1, Monroe and College Sts., Springfield.

May 1 10:00 a.m. A-C EPA v. G & M Wrecking Company - AC 89-304, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

May 3 9:30 a.m. A-E EPA v. Ekco Glaco Corporation - PCB 89-200, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago. (Will continue on May 4, 1990 if necessary.)

May 3 9:30 a.m. A-C EPA v. Quantum Chemical Company - AC 89-275, Tuscola City Council Chambers, Tuscola Community Building, 122 W. North Central, Tuscola.

May 4 9:30 a.m. A-E EPA v. Ekco Glaco Corporation - PCB 89-200, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

May 10 10:00 a.m. A-C EPA v. John Vander - AC 89-224, State of Illinois Building, South Conference Room, 2309 West Main, Marion.

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

May 16 10:00 a.m. A-C EPA v. City of Rutland - AC 89-242, Fire District Building, Rutland.

- May 18 W-E People of the State of Illinois v. PQ Corporation -
1:00 p.m. PCB 90-14, County Board Room 242, 707 Etna Road, Ottawa.
- May 24** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- June 7** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- June 12 A-E People of the State of Illinois v. Hysan Corporation
9:30 a.m. PCB 90-12, State of Illinois Center, 100 W. Randolph St.,
Suite 11-500, Chicago.
- June 21** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- June 22 P-A The Jennison-Wright Corporation v. EPA - PCB 89-189,
10:00 a.m. Mayor's Conference Room, City Hall, 2000 Edison, Granite
City.
- June 22 A-E EPA v. Blue Tee Corporation (Azcon Scrap Division) -
10:00 a.m. PCB 90-7, Alton City Hall, 101 East Third Street, Alton.
- June 25 A-V Olin Chemicals (Joliet Plant) v. EPA - PCB 89-72,
9:30 a.m. Joliet City Hall, East Wing Conference Room, First Floor, 150
W. Jefferson St., Joliet.
- July 5** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- July 13 A-E EPA v. Decor Gravure Corporation - PCB 89-155, State
10:00 of Illinois Center, 100 W. Randolph St., Suite 11-500,
Chicago.
- July 19** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- July 27 A-C EPA v. Omer Thomas - AC 89-215, Court Room B, Shelby
9:00 a.m. County Courthouse, Shelbyville.
- August 2** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- August 16** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-040, Chicago.
- August 30** **Pollution Control Board Meeting, State of Illinois Center,**
100 W. Randolph St., Conference Room 9-404, Chicago.

* 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 312/917-6931.

** 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:

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|-----|-------------------------|-------|--------------------------------|
| A-E | AIR ENFORCEMENT | N-E | NOISE ENFORCEMENT |
| A-V | AIR VARIANCE | N-V | NOISE VARIANCE |
| A-C | ADMINISTRATIVE CITATION | SWH-V | SPECIAL WASTE HAULING VARIANCE |

W-E	WATER ENFORCEMENT	SWH-E	SPECIAL WASTE HAULING ENFORCEMENT
W-V	WATER VARIANCE	PWS-E	PUBLIC WATER SUPPLY ENFORCEMENT
L-E	LAND ENFORCEMENT	PWS-V	PUBLIC WATER SUPPLY VARIANCE
L-V	LAND VARIANCE	P-A	PERMIT APPEAL
R	REGULATORY PROCEEDING	L-S-R	LANDFILL SITING REVIEW
T	THERMAL DEMONSTRATION RULE (35 ILL. ADM. CODE 302.211 (F))	SO ₂	SO ₂ ALTERNATIVE STANDARDS
CSO	COMBINED SEWER OVERFLOW EXCEPTION	T-S	TRADE SECRETS
		T-C	TAX CERTIFICATIONS
		A-S	ADJUSTED STANDARD