

# ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

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## RULEMAKING UPDATE

### **BOARD PROPOSES UST UPDATE, R91-14**

On January 9 and 23, 1992, in R91-14, the Board proposed amendments to the UST underground storage tank rules. The UST program regulates petroleum and hazardous substances in underground storage tanks. It is mandated by Section 7.2 and 22.4(d) of the Act. It is contained in 35 Ill. Adm. Code 731, which reflects USEPA regulations in 40 CFR 280. The Board adopted a Proposed Opinion and Order on January 9, 1992, and modified that proposed Opinion and Order on January 23, 1992.

This Update covers USEPA regulations appearing in the Federal Register between January 1 and June 30, 1991. However, there were no USEPA actions which required amendment of Board rules during that period. Instead, this Docket focuses on changes to the Board's statutory authority due to P.A. 87-323.

The Proposed Opinion and Order of January 9, 1992, focuses on the reduction in the scope of the Board's UST rules, which are now to govern only corrective action. The Order of January 23, 1992, focuses on certain heating oil tanks, which are now to be included in the Board's remaining UST rules. The two Orders will be combined for publication in the Illinois Register in the near future.

Persons desiring copies of the Opinions and Orders, or wishing to be added to the notice list should contact Morton Dorothy at 217/ 333-5575.

### **BOARD PROPOSES RCRA UPDATE, R91-13**

On December 19, 1991, the Board proposed to Update the RCRA hazardous waste rules in R91-13. The RCRA hazardous waste program regulates the generation, transportation, treatment, storage and disposal of hazardous waste. Sections 7.2 and 22.4(a) of the Act requires the Board to adopt regulations which are "identical in substance" to USEPA regulations. The Board's RCRA regulations are in 35 Ill. Adm. Code 702 through 705, and 720 through 728. These are derived from USEPA regulations at 40 CFR 260 through 270.

R91-13 updates the Board's RCRA rules to include USEPA actions during the period January 1 through June 30, 1991. These actions include: the USEPA corrections to the "third third" land disposal bans adopted in R90-11 and the boiler and industrial furnace ("BIF") rules.

The Proposal appeared in the Illinois Register on January 17, 1992. The Board will receive public comment through March 2, 1992.

Persons desiring copies of the Opinions and Orders, or wishing to be added to the notice list should contact Morton Dorothy at 217/ 333-5575.

### **BOARD EXTENDS RCRA WOOD PRESERVING COMPLIANCE DATES, R91-26**

On January 9, 1992, the Board adopted a final Opinion and Order in R91-26, extending certain compliance dates for wood preservers under the RCRA rules.

On August 8, 1991, in R91-1, the Board adopted USEPA RCRA rules applicable to wood preservers. Encompassed within R91-1 was a USEPA "administrative stay" of certain requirements. To qualify for the stay, wood preservers had to make certain filings, and complete surface coating of drip pads by February 6, 1992. However, since the coating required temperatures in excess of 70 degrees Fahrenheit, the compliance schedule was impossible to meet in Illinois. The Board therefore opened this Docket to extend the schedule out to July 1, 1992.

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

## FOR YOUR INFORMATION

### **BOARD ADOPTS NEW UST APPEAL PROCEDURE**

On January 23, 1992, in Ideal Heating Co. v. Illinois Environmental Protection Agency, PCB 91-253, the Board adopted a new procedure for appeals from the Illinois Environmental Protection Agency's (IEPA) decisions regarding access to the Underground Storage Tank (UST) Fund. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.18b.) Under the Board's holding, UST determinations are appealable to the Board only after the IEPA has made a complete determination of eligibility, the deductible amount and reimbursement of costs. However, the Agency need not reach the remaining issues where it denies eligibility and an applicant may still appeal the denial of eligibility to the Board. The Board's holding does not apply to those appeals which have already proceeded to hearing. Beer Motors Co. v. Illinois Environmental Protection Agency, PCB 91-120 (January 23, 1992).

**FINAL ACTIONS - JANUARY 23, 1992 BOARD MEETING**

**PCB 85-212** Joint Petition of the Village of Morton and the IEPA for Exception to Combined Sewer Overflow Regulations - The Board granted a motion to modify a Board Order for Morton's Tazewell County facility.

**PCB 86-4** City of Morris v. IEPA - The Board granted a motion to modify an April 17, 1988 Board Order for Morris' Grundy County facility.

**PCB 90-136** Walter J. Maquet and Marlene J. Maquet, d/b/a Maquet's 66 v. IEPA - The Board granted a motion for reconsideration filed by IEPA and affirmed its December 6, 1991 decision for Maquet's Tazewell County facility.

**PCB 91-120** Beer Motors, Inc. v. IEPA - The Board reversed and remanded an Agency decision imposing a \$50,000 deductible for Beer's Cook County facility.

**PCB 91-121** Village of Channahon v. IEPA - The Board granted a variance with conditions from its water regulations, for Channahon's Will County facility.

**PCB 91-215** Land and Lakes Co. v. IEPA - The Board granted the Agency's motion to dismiss Land and Lakes petition for variance from the landfill regulations for its Will County facility.

**PCB 91-216** Land and Lakes Co. v. IEPA - The Board granted the Agency's motion to dismiss Land and Lakes petition for variance from the landfill regulations for its Cook County facility.

**PCB 91-217** Land and Lakes Co. v. IEPA - The Board granted the Agency's motion to dismiss Land and Lakes petition for variance from the landfill regulations for its Cook County facility.

**PCB 91-218** Land and Lakes Co. v. IEPA - The Board granted the Agency's motion to dismiss Land and Lakes petition for variance from the landfill regulations for its Cook County facility.

**PCB 91-242** Arthur J. Ferrari v. IEPA - The Board granted the Agency's motion to dismiss this appeal as untimely filed.

**PCB 91-253** Ideal Heating Company v. IEPA - The Board held that the Agency UST decisions on eligibility

and deductibility without a determination on the reimbursability of costs from the Underground Storage Tank Fund, for Ideal's DuPage County facility is not an appealable order.

**AC 89-215** IEPA v. Omer Thomas - The Board found Omer Thomas violated Section 21(q)(1) of the act at his Shelby County facility. Penalty of \$500 is payable to the Environmental Protection Trust Fund.

**AC 91-50** Logan County Health Dept. v. Lincoln/Logan Landfill, Inc. - The Board found Lincoln/Logan Landfill violated Sections 21(p)(5), 21(p)(11), 21(p)(12) and 21(p)(9) of the Act in its Logan County Facility. Penalty of \$2,000 is payable to the Logan County Health Department.

**AC 91-51** St. Clair County v. Ronald Lane, Registered Agent, Illinois Central Railroad - The Board found Ronald Lane violated Section 21(q)(1) of the Act in his St. Clair County facility. Penalty of \$500 is payable to the Landfill Citation Fund.

**AC 91-52** St. Clair County v. Robert Cradock, Mid-America Marble and Granite Natural Stone Corp. - The Board found Robert Cradock violated Section 21(q)(1) of the Act in his St. Clair County facility. Penalty of \$500 is payable to the Landfill Citation Fund.

**AC 91-53** IEPA v. Clara L. Franklin - The Board found Clara Franklin violated Section 21(q)(1), 21(q)(3) and 21(q)(4) of the Act in her Jersey County facility. Penalty of \$1,500 is payable to the Environmental Protection Trust Fund.

**AC 91-54** Logan County Health Dept. v. Lincoln/Logan Landfill - The Board found Lincoln/Logan Landfill violated Sections 21(p)(5), 21(p)(9), 21(p)(11) and 21(p)(12) of the Act. Penalty of \$2,000 is payable to the Logan County Health Department.

**R91-5** In the Matter of: Pretreatment Update (6/29/90-12/31/90) - This matter was adopted as a final rule pursuant to Section 13.3 of the Environmental Protection Act.

**R91-19** In the Matter of: Potentially Infectious Medical Wastes: Etiologic Agents - This matter was adopted as a final rule pursuant to P.A. 87-752.

**NEW CASES - JANUARY 23, 1992 BOARD MEETING**

**PCB 92-2** Acme Steel Co. v. IEPA - Petitioner filed a petition for review of an NPDES permit for its Cook County facility. Accepted for hearing.

**PCB 92-11** Mac Lean-Fogg Co. v. IEPA - Petitioner filed a petition for review of an Underground Storage Tank Reimbursement Determination for its Lake County facility. Accepted for hearing.

**PCB 91-13** Natural Gas Pipeline Co. of America v.

IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's hazardous waste regulations for its Macon County facility.

**PCB 91-14** Natural Gas Pipeline Co. of America v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's hazardous waste regulations for its Marion County facility.



**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.

February 14 10:00 a.m.	PCB 91-172 N-E	<u>John Plosila v. Bandito Barney's, First American Bank (Wallace Wolff) Trust No. 89-008 and Thom P. McNamee - Dundee Public Library, 555 Barrington Avenue, Dundee.</u>
February 19 9:30 a.m.	PCB 91-243 UST-FRD	<u>Smith Oil Company of Kankakee v. EPA - Will county Courthouse (see Rm. 439), 14 W. Jefferson St., Joliet.</u>
<b>February 27</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
March 2 10:00 a.m.	PCB 91-260 UST-FRD	<u>Capital Asset Corporation and Industrial Investors Limited Partnership v. EPA - Rockford State of Illinois Center, Third Floor Conference Room, 200 So. Wyman, Rockford.</u>
March 3 10:00 a.m.	AS 91-13 PWS	<u>In the Matter of: Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304 - County Office Building, County Board Room, Third Floor, 1504 Third Ave., Rock Island.</u>
March 3 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA and Office of the State Fire Marshall - Rockford State of Illinois Building 200 Wyman, Third Conference Room, Rockford.</u>
March 5 9:30 a.m.	PCB 91-202 P-A	<u>Sherex Chemical Company, Inc. v. EPA - Peoria County Courthouse, Board of Supervisors, Jefferson &amp; Main Street, Peoria.</u>
March 5 10:00 a.m.	PCB 90-143 P-A	<u>Ohio Grain Company v. EPA - County Board Room, Bureau County Courthouse, Princeton.</u>
March 6 10:00 a.m.	PCB 91-256 L-S-R	<u>Gallatin National Company v. The Fulton County Board and the County of Fulton - Fulton County Farm Bureau, Route 97 and 100, Lewistown.</u>
March 6 11:00 a.m.	PCB 91-263 UST-FRD	<u>Cook County Highway Department and Beling Consultants v. EPA - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
March 9 9:30 a.m.	PCB 91-235 A-V	<u>Marsco Mfg. Co. v. EPA - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
March 10 10:00 a.m.	PCB 92-9 UST-FRD	<u>Platolene 500, Inc. v. EPA - Greenup Municipal Building, 115 Cumberland, Greenup.</u>
March 10 1:00 p.m.	AS 91-9 PWS	<u>In the Matter of Petition of the City of East Moline and the IEPA for Adjusted Standard from 35 Ill. Adm. Code 304 - East Moline City Hall, Second Floor, Council Chambers, 915 16th Avenue, East Moline.</u>
<b>March 12</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
March 12 9:00 a.m.	PCB 90-195 P-A	<u>Caterpillar, Inc. v. EPA - Peoria County Courthouse, County Boardroom, 324 Main St., Peoria.</u>
March 16 9:30 a.m.	PCB 91-220 P-A	<u>Waste Management of Illinois, Inc. (Laraway Facility) v. EPA - Will County Courthouse, 14 W. Jefferson, Joliet.</u>
March 18 10:00 a.m.	AS 90-4 AS	<u>In the Matter of: Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria - City Hall, Mayor's Conference Room, Second Floor, 200 Edison Ave., Granite City.</u>
March 19 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc. - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
March 23 10:00 a.m.	PCB 90-8 P-A	<u>The City of Metropolis v. EPA - Metropolis City Hall, City Council Chambers, 106 West 5th Street, Metropolis.</u>
<b>March 26</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

April 1 10:30 a.m.	PCB 90-197 P-A	<u>The Celotex Corporation v. EPA</u> - Adams County Building, Small Jury Room, 521 Vermont St., Quincy.
<b>April 9</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
April 16 10:00 a.m.	PCB 91-57 P-A	<u>Monsanto Company v. EPA</u> - Sauget Village Hall, 2897 Falling Springs Road, Sauget.
<b>April 23</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
April 30 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.

**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
S0 <sub>2</sub>	S0 <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		

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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:

John C. Marlin, Chairman Urbana, Illinois	Joan G. Anderson Western Springs, Illinois	Ronald C. Flemal DeKalb, Illinois
Bill S. Forcade Chicago, 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.

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