

# ENVIRONMENTAL REGISTER

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No. 412

September 12, 1990

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## **BOARD APPROVES PANA SITE SPECIFIC FOR SECOND NOTICE (R84-44)**

By a 7-0 margin the Board approved for Second Notice the City of Pana's request for site specific relief (R84-44) from the Board's phosphorus effluent limits set forth at 35 Ill. Adm. Code 304.123. One comment was received in the comment period from the Small Business Assistance Bureau of the Illinois Department of Commerce and Community Affairs. The Bureau found that the proposed rule would have no effect on small business. No changes were made to the rule as it was proposed at First Notice.

The rule has been sent to the Joint Committee on Administrative Rules (JCAR) to begin the Second Notice period. That comment period will last 45 days after receipt of the proposed rule by JCAR. Questions concerning this rulemaking should be directed to Mark P. Miller at (217) 333-5574.

## **R86-14 BORDEN CHEMICALS AND PLASTIC OPERATING LIMITED PARTNERSHIP SITE-SPECIFIC**

On August 30, 1990, the Board adopted a Second Notice Opinion and Order in this matter. The proposed rulemaking would grant to Borden Chemicals site-specific relief from the Board's effluent limitations for total dissolved solids (TDS) and for chloride and from the requirement that no effluent shall cause a violation of applicable water quality standards. Borden's discharges originate at its Illiopolis, Illinois plant and are primarily attributable to wastewater from the air pollution control equipment which Borden began operating in 1978.

## **BOARD AND STAFF ACTIVITIES**

Chairman Marlin spoke at Rotary International's Seminar on Air Pollution on August 25th. He was on a panel entitled "Clean Technologies and Responsible Citizens". Rotary is an international service organization which is focusing on the global environment this year.

Chairman Marlin also spoke on scrap tire regulations at the Illinois Air and Waste Management Association in Springfield on August 21st.

On August 29th, Board Member Jacob Dumelle spoke to the public health committee of the Kane County Board in Geneva. He urged a leaf-burning ban because of the seven carcinogens emitted from leaves when burned and because of allergic and asthmatic reactions to which more than 10% of the population are subject. On September 5th he was scheduled to make a similar presentation before the McHenry City Council.

## **BOARD ADOPTS NON-HAZARDOUS WASTE LANDFILL REGULATIONS, R88-7**

On August 17, 1990 the Board adopted sweeping amendments to its non-hazardous waste landfill regulation. The 181 pages of regulations apply to all municipal and industrial landfills, which includes waste piles. All new landfills must fully comply with the regulations. How long an existing landfill may remain open depends on its level of compliance with the new regulations. The regulations were developed through some 35 hearings and are part of a high priority program to protect groundwater resources. In terms of technical and scientific underpinnings, the Board believes that these regulations are unequalled in providing assurance that groundwater will be protected.

A special feature of the regulations is a new method of preventing degradation of the groundwater. The operator must demonstrate that the landfill will not cause a change in the background water quality at a point no greater than 100 feet from the landfill within 100 years after the landfill closes. The new method of setting groundwater monitoring standards ties the site hydrogeology, along with the landfill design, operation, monitoring, and reporting into an integrated system. Copies of the Final Opinion and Order are available from the Clerk.

**FINAL ACTIONS - AUGUST 30, 1990 BOARD MEETING**

- PCB 86-4 City of Morris, v. IEPA - The Board denied petitioner's motion for modification and required petitioner to meet the requirements set forth in the Board's March 19, 1988 Order concerning its Grundy County facility.
- PCB 86-210 People of the State of Illinois v. Hillview Farms Fertilizers, Inc. an Illinois Corp. et al. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to violations of the Act and agreed to pay a fine of \$5,000 concerning its McHenry County facility. Board Member J. Theodore Meyer dissented.
- PCB 87-209 Reed-Custer Community Unit School District No. 255-U v. Commonwealth Edison Co. et al. - The Board denied petitioner's motion to revoke Commonwealth Edison's certification for its Will County pollution control facility. Board Member B. Forcade dissented.
- PCB 89-100 Borg-Warner Automotive Transmission & Engine Components Corp. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 89-155 IEPA v. Decor Gravure Corp., an Alabama Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a fine of \$8,000 concerning its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 89-182 Robert J. Kvatsak et al. v. St. Michael's Lutheran Church - The Board found respondent not in violation of the Act and Board noise pollution regulations and dismissed this matter. Board Member J.D. Dumelle dissented and Board Member J. Marlin concurred.
- PCB 89-186 People of the State of Illinois v. Bulk Molding Compounds, Inc. and J.E.C., Inc. The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a fine of \$12,000 concerning its Kane County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-3 Calvary Temple Church v. IEPA - The Board denied the Agency's Motion to Stay Pending Appeal of its April 26, 1990 and June 21, 1990 Orders concerning petitioner's DuPage County facility.
- PCB 90-68 People of the State of Illinois v. Oscar Mayer Food Corp., a Delaware corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and Board waste disposal regulations and agreed to pay a fine of \$7,500 concerning its Cook County facility. Board Member J. Theodore Meyer dissented.
- PCB 90-94 Horace File et al v. D & L Landfill, Inc., et al. - The Board affirmed the decision of the Bond County Board of Supervisors granting respondent site location approval for a new regional pollution control facility in Bond County. Board Member B. Forcade concurred and Board Member J. D. Dumelle dissented.
- PCB 90-106 IEPA v. Village of Ipava, an Illinois municipal corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay contingent penalties pursuant to a construction schedule for system improvements set forth in the Agreement and Board's Order. Board Member J. Theodore Meyer dissented.
- AC 89-224 IEPA v. John Vander - The Board found that the Agency failed to establish respondent violated Sections 21(q)(1) and (3) of the Act. Board Members J.D. Dumelle, J. Theodore Meyer and B. Forcade dissented.
- AC 89-227 IEPA v. Jack Wright - The Board found that the administrative citation was improperly issued and dismissed this matter. Board Members J. Theodore Meyer and B. Forcade concurred.
- AC 89-292 (Docket B) IEPA v. Land & Lakes Co. - The Board ordered respondent to pay \$218 as compensation for hearing costs incurred by the Board and closed the docket. Board Member J. Theodore Meyer dissented.
- AC 89-304 IEPA v. G & M Wrecking Co., Inc. - The Board found the Agency failed to establish violation of Section 21(q)(3) of the Act and dismissed this matter. Board Member J. Dumelle concurred and Board Members J. Theodore Meyer and B. Forcade dissented.
- AC 90-27 IEPA v. Johnson Blackwell - The Board found the administrative citation was issued improperly and dismissed this matter. Board Members J. Theodore Meyer and B. Forcade dissented.
- AC 90-53 IEPA v. Daniel Van Fleet - The Board found respondent violated Sections 21(q)(1), 21(q)(3), and 21(q)(4) of the Act and imposed a fine of \$1,500.
- AC 90-55 IEPA v. Lindell Loveless - The Board found respondent violated Sections (21)(q)(1) and 21(q)(3) of the Act and

imposed a fine of \$1,000.

- AC 90-57 County of Jackson v. Frank Doan - The Board found respondent violated Sections 21(q)(1), 21(q)(2) and 21(q)(5) of the Act and imposed a fine of \$1,500.
- AC 90-58 IEPA v. Kenneth Pearson - This matter was dismissed on the Agency's motion.
- AC 90-60 IEPA v. Reginald Paige - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.
- AC 90-61 IEPA v. Robert Lee Winsor - The Board found respondent violated Sections 21(q)(1) and 21(q)(3) of the Act and imposed a fine of \$1,000.

#### NEW CASES - AUGUST 30, 1990 BOARD MEETING

- PCB 90-145 Flamingo Lake et al. v. Gallatin National Co. et al. - Complainants allege noise pollution at respondents' Fulton County facility. The Board ordered complainants to respond to duplicitous and frivolous allegations by September 19, 1990.
- PCB 90-146 Village of Matteson, an Illinois Municipal Corp. v. World Music Theatre et al. - Complainant alleges noise violations at respondents' Cook/Will County facility. The Board found the complaint not duplicitous or frivolous and set the matter for hearing.
- PCB 90-148 Carl Madoux, et al. v. B & M Steel Service Center, Inc. Complainants allege noise pollution violations at respondent's Madison County facility. Hearing authorized.
- PCB 90-149 Carl Madoux, et al. v. Straders Logging and Lumber Mill Complainants allege noise and air pollution violations at respondent's Madison County facility. Hearing authorized.
- PCB 90-161 IEPA v. Columbia Quarry Co. - Complainant alleges violations of the Act and Board air pollution regulations at respondent's St. Clair County facility. Hearing mandatory.
- PCB 90-162 Village of Plainfield v. IEPA - Petitioner seeks variance extension from the Board's public water supplies regulations concerning the allowable concentration of radium in a public water supply for its Will County facility. Held for Agency Recommendation.
- PCB 90-163 Erwin Hediger, et al. v. D & L Landfill, Inc., et al. Petitioners appeal the decision of the Bond County Board of Supervisors granting site location suitability approval for a new regional pollution control facility in Bond County. Set for hearing.
- PCB 90-164 Riverside Laboratories, Inc. v. IEPA - Petitioner seeks variance from the Board's air pollution regulations relating to volatile organic compound limitations for its Kane County facility. Set for hearing.
- PCB 90-165 Riverside Laboratories, Inc. v. IEPA - Petitioner seeks operating permit review for its Kane County facility. Set for hearing.
- PCB 90-166 City of Genoa v. IEPA - Petitioner seeks variance from the Boards public water supplies regulations concerning radium for its DeKalb County facility. Held for Agency Recommendation.

#### CALENDAR \*

- September 13** **Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- September 13 10:30 a.m. A-E People of the State of Illinois v. Miller Fluid Power Corporation - PCB 90-107, Wood Dale Public Library, 520 N. Wood Dale Rd., Wood Dale.
- September 14 10:00 a.m. A-E People of the State of Illinois v. Seegers Grain, Inc. - PCB 90-111, Freeport City Hall, Council Chambers, 230 W. Stephenson, Freeport.
- September 14 10:30 a.m. A-C Madison County v. City of Alton - AC 90-41, Council Chambers, City Hall, 3rd & Alby Street, Alton.
- September 14 A-C EPA v. Robert Wheeler d/b/a Wheeler Trucking - AC 90-42, Fulton County Courthouse, 101

10:00 a.m.		N. Main Street, Lewistown.
September 17 10:00 a.m.	R	<u>Limits to Volatility of Gasoline</u> - R88-30(B), Northeastern Illinois Planning Commission, 400 W. Madison St., Room 200, Chicago.
September 18 10:00 a.m.	A-E	<u>EPA v. Trilla Steel Drum Corporation</u> - PCB 86-56, Law Office of Joshua Sachs, Suite 2222, 134 N. LaSalle St., Chicago.
September 18 10:00 a.m.	A-V	<u>Wrico Packaging v. EPA</u> - PCB 89-124, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
September 18 10:00 a.m.	N-V	<u>Shell Oil Company (Wood River Facility) v. EPA</u> - PCB 88-188, Alton City Hall, 101 E. Third Street, Alton.
September 19 10:00 a.m.	A-E	<u>People of the State of Illinois v. Sure-Tan, Inc.</u> - PCB 90-62, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
September 20 9:30 a.m.	P-A	<u>Stepan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson St., Joliet.
September 21 11:00 a.m.	P-A	<u>Pekin Energy Company v. EPA</u> - PCB 89-171, Tazewell County Board Room, 3rd Floor, 11 South Fourth St., Mackenzie Building, Pekin.
September 21 9:30 a.m.	A-E	<u>People of the State of Illinois v. William J. Langheim, d/b/a Langheim Ready Mix, Patrick Langheim, d/b/a Langheim Ready Mix and Concrete Midwest Company, Inc.</u> - PCB 90-120, Sangamon County Courthouse, Court Room B, Fourth Floor, 8th and Capitol Streets, Springfield.
September 21 10:00 a.m.	R	<u>Diesel Vehicle Exhaust Opacity Limits</u> - R90-20, State of Illinois Center, 100 W. Randolph St., Suite 9-031, Chicago.
September 21 9:30 a.m.	UST-R	<u>Walter J. Maquet and Marlene J. Maquet, d/b/a Maquet 66 Service v. EPA</u> - PCB 90-136, Tazewell County Courthouse, Room 305, Pekin.
September 24 10:30 a.m.	A-E	<u>People of the State of Illinois v. Roll Service, Inc.</u> - PCB 89-154, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
September 24 11:00 a.m.	A-E	<u>People of the State of Illinois v. Illinois Cement Company</u> - PCB 90-73, Downtown Courthouse, Second Floor Hearing Room, Madison and LaSalle, Ottawa.
September 25 9:30 a.m.	A-E	<u>People of the State of Illinois v. Westvaco Corporation</u> - PCB 90-127, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
September 26 10:00 a.m.	P-A	<u>LTV Steel Company v. EPA</u> - PCB 90-51, Law Office of Joshua Sachs, 134 N. LaSalle Street, Suite 2222, Chicago.
<b>September 27</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
September 27 10:30 a.m.	P-A	<u>Marathon Petroleum Company v. EPA</u> - PCB 90-126, Crawford County Courthouse, Court Room, Robinson.
September 28 10:00 a.m.	A-E	<u>People of the State of Illinois v. Rock Valley Oil &amp; Chemical Company</u> - PCB 90-124, City Council Chambers, 2nd Floor, Rockford City Hall, 425 E. State St., Rockford.
September 28 10:00 a.m.	R	<u>Diesel Vehicle Exhaust Opacity Limits</u> - R90-20, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
October 2 9:30 a.m.	L-S-R	<u>Richard Worthen, Clarence Bohm, Harry Parker, George Arnold, City of Edwardsville, City of Troy, Village of Maryville and The Village of Glen Carbon v. Village of Roxana and Laidlaw Systems, Inc.</u> - PCB 90-137, Alton City Hall, Council Chambers, 101 East Third St., Alton.
October 4 10:00 a.m.	P-A	<u>FIW, Inc. v. EPA</u> - PCB 90-141, Rockford Public Library, Room A, Lower Level, 215 N. Wyman, Rockford.
October 4	A-C	<u>EPA v. James Rhodes d/b/a Rhodes Auto Service</u> - AC 90-70, Streator Public Library, 130 S.

11:00 a.m.		Park St., 2nd Floor, Streator.
October 4 10:00 a.m.	P-A	<u>Citizens Utilities Company of Illinois v. EPA</u> - PCB 85-140, Will County Courthouse, 14 W. Jefferson Room 439, Joliet.
October 4 10:30 a.m.	W-V	<u>Borden Chemicals and Plastics Operating Limited Partnership v. EPA</u> - PCB 90-130, City Hall, Fifth Street, Illiopolis.
October 5 10:00 a.m.	A-E	<u>People of the State of Illinois v. Illinois Valley Paving Company</u> - PCB 90-139, Jury Room, Scott County Courthouse, 27 E. Market St., Winchester.
October 5 11:00 a.m.	A-C	<u>EPA v. Village of Hanover and Patrick Farrell</u> - AC 89-263, Hanover Public Library, 204 Jefferson St. Hanover.
<b>October 11</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
October 11 9:00 a.m.	A-E	<u>People of the State of Illinois v. G &amp; K Investments, Inc., Gary Cross and Levin Leesman, Individually and as officers, thereof.</u> - PCB 90-140, Logan County Courthouse, 601 Broadway, Lincoln.
October 15 10:00 a.m.	A-E	<u>People of the State of Illinois v. Panhandle Eastern Pipeline Company</u> - PCB 90-152, Douglas County Courthouse, County Board Room, 401 South Center, Tuscola.
October 16 10:00 a.m.	UST-FRD	<u>Pulitzer Community Newspaper, Inc. v. EPA</u> - PCB 90-142, State of Illinois Center, 100 W. Randolph St. Suite 11-500, Chicago.
October 17 10:00 a.m.	A-E	<u>People of the State of Illinois v. John Boos &amp; Company</u> - PCB 90-160, County Office Building, Third Floor, Effingham County Courthouse, 101 North Fourth, Effingham.
October 23 10:00 a.m.	A-C	<u>EPA v. Southern Pacific Railroad</u> - AC 90-59, County Board Room, Sangamon County Building, Eight Street and Monroe, Springfield.
<b>October 25</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
October 26 9:30 a.m.	N-E	<u>Darrell Williams v. Shell Oil Company (Wood River Facility)</u> - PCB 90-47, Council Chambers, Wood River City Hall, 111 N. Wood River, Wood River.
November 1 10:00 a.m.	P-A	<u>Hydraulics, Inc. d/b/a Brake Parts Company v. EPA</u> - PCB 89-88, Litchfield Town Hall, 120 E. Ryder, Litchfield.
November 1 10:00 a.m.	A-E	<u>EPA v. Nesco Steel Barrel Company</u> - PCB 90-37, Granite City Township Building, 2060 Delmar Ave., Granite City.
November 2 9:30 a.m.	A-E	<u>EPA v. Columbia Quarry Company</u> - PCB 90-161, County Board Conference Room, 5th Floor, St. Claire County Building, 10 Public Square, Belleville.
<b>November 8</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
November 12 9:30 a.m.	A-V	<u>Olin Chemicals (Joliet Plant) v. EPA</u> - PCB 89-72, Will County Courthouse, 14 W. Jefferson St., Joliet.
November 14 10:00 a.m.	A-E	<u>People of the State of Illinois v. Duraco, Inc.</u> - PCB 90-61, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 14 10:00 a.m.	P-A	<u>Envotech-Illinois, Inc. v. IEPA</u> - PCB 90-138, Montgomery County Courthouse, Hillsboro.
November 28 9:30 a.m.	P-A	<u>National Steel Corporation (Granite City Division) v. EPA</u> - PCB 90-114, Courthouse, Second Floor, Granite City Hall, 2000 Edison Ave., Granite City.
<b>November 29</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

December 5 10:00 a.m.	A-V	<u>Monsanto Company v. EPA</u> - PCB 90-44, City Council Chambers, City Hall, 2897 Falling Springs Rd., Sauget.
<b>December 20</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 27 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, In a Room in the City Hall, 101 E. 3rd Street, Alton.
January 24 10:00 a.m.	A-E	<u>People of the State of Illinois v. Robert A. Propherter, d/b/a Bob Propherter Construction Company</u> - PCB 90-18, County Board Room, 707 Etna Road, Ottawa.

\* Times and locations of hearings and meetings appearing in the Environmental Register are subject to cancellation or rescheduling without notice. Confirmation of that information may be obtained from the Clerk of the Board at 312/814-6931.

\*\* The Pollution Control Board meetings listed in the calendar (highlighted) are unlike the other hearings listed in that, while they are open to the public, public participation is generally not allowed, except upon the granting of a motion for oral argument.

CALENDAR CODE:

A-C	ADMINISTRATIVE CITATION	A-E	AIR ENFORCEMENT
A-S	ADJUSTED STANDARD	A-V	AIR VARIANCE
CSO	COMBINED SEWER OVERFLOW EXCEPTION	L-E	LAND ENFORCEMENT
L-S-R	LANDFILL SITING REVIEW	L-V	LAND VARIANCE
N-E	NOISE ENFORCEMENT	N-V	NOISE VARIANCE
P-A	PERMIT APPEAL	PWS-E	PUBLIC WATER SUPPLY ENFORCEMENT
PWS-V	PUBLIC WATER SUPPLY VARIANCE	R	REGULATORY PROCEEDING
SO <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-FRD	UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION		