

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

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

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.

WATERWAYS CRUISE AND ENVIRONMENTAL WORKSHOP SCHEDULED

Eileen Johnston has scheduled her annual waterways cruise and environmental workshop for October 1, 1994. A full announcement appears toward the end of this issue.

APPELLATE UPDATE

SECOND DISTRICT AFFIRMS THAT SPILLAGE FROM NOZZLE IS NOT A RELEASE FROM A UST

In a July 22, 1994 opinion, the Second District Appellate Court (case number 2-93-0142) affirmed the Board's decision in *Harlem Township v. EPA* (Oct. 16, 1992), No. PCB 92-83. The court affirmed the Board's determination that a release of gasoline from a dispensing nozzle was not a reimbursable release of petroleum from an underground storage tank system.

On April 21, 1991, the appellant discovered that gasoline had spilled from a pump connected to an underground storage tank at its facility. The appellant paid \$68,367.24 to clean up the fuel spill and sought reimbursement from the Illinois EPA (Agency) pursuant to Section 22.18 of the Act. (*Editor's note: Section 57.8 and 57.9 have replaced Sections 22.18 through 22.18c of the Act.*) The Agency denied reimbursement on the basis that the fuel dispensing nozzle was not part of an underground storage tank system within the meaning of the statute. (*See Section 22.18(e)(1)(A), 35 Ill. Adm. Code 731.112, 42 U.S.C. §6991(1) & 40 CFR 280.12.*)

The appellant appealed the Agency's decision before the Board, arguing that a release from an aboveground nozzle was a release from an underground storage tank. The Board disagreed and

affirmed the Agency's denial in an opinion and order dated October 16, 1992. The appellant obtained review from the Second District, which affirmed the Board's determination on July 22, 1994. The court stated, "We believe the Board's interpretation is a reasonable one, consistent with the purpose of the statute." It concluded that a spill from a gasoline pump is not a release from an underground storage tank.

FIRST DISTRICT AFFIRMS ROBBINS INCINERATOR DECISION

The First District Appellate Court, in *Daly v. PCB* (June 30, 1994), No. 1-93-2671, affirmed the Board's decision in *Eugene Daly et al. v. Village of Robbins et al.* (July 1, 1993), PCB 93-52. (*Editor's note: the appellants filed a motion for reconsideration with the First District on July 20, 1994.*) In that regional pollution control facility local siting approval appeal, involving a solid waste incinerator and recycling plant proposed for the Village of Robbins, the Board had determined that the procedures used by the Village were fundamentally fair and the record supports the Village's conclusion that the proposed plant location met the flood-proof requirement of the Act.

The Robbins Resource Recovery Company filed an application for local siting approval for a proposed solid waste incinerator and recycling plant with the Village of Robbins. The Village scheduled a

public hearing for 6:30 p.m. on December 22, 1992. A rally in favor of the proposed facility occurred at 6:00 p.m. at the hearing location, and the proponents distributed hats, buttons, and literature in favor of the proposed facility. The hearing commenced upon the arrival of the hearing officer at 6:40 p.m. The hearing officer set forth procedures for the conduct of the hearing, but he deviated from them by allowing opponents to the proposed facility to speak first. He allowed each person wishing to make a statement into the record five minutes to speak. For those wishing to continue their statements, a second court reporter was available in another room to take the additional statements beyond the five minutes allowed to each person. After the statements in opposition, Robbins Resource Recovery offered expert testimony to demonstrate that the facility met the statutory requirements for siting suitability. The hearing officer allowed cross-examination of the experts until 11:30 p.m., when he offered to recess until the next day. Since no opponent of the facility requested the recess, the hearing continued until it concluded at 2:30 a.m.

The Village of Robbins board approved the siting on February 2, 1993. Several of the opponents appealed that decision to the Board, arguing that the procedures employed by the Village were fundamentally unfair and that the plant location failed to meet the statutory criterion that requires the facility to either be located outside a 100-year floodplain or be flood-proofed. The Board upheld the Village's decision in a decision dated July 1, 1993. The Board held that the opponents failed to prove that the procedures used by the Village were fundamentally unfair and failed to show that the decision on the flood-proof criterion was against the manifest weight of the evidence. The opponents appealed the decision to the First District Appellate Court.

The First District found that the record supported the Board's conclusion that the rally was not part of the public hearing, and it did not support a conclusion that the village board members participated in the rally. The court found also that although one opponent stated that she made no statement against the proposed facility due to a threat received at the hearing and others did not attend due to the rally, every person that submitted a form to testify did so. The court further found that the record did not support a conclusion that the hearing officer's statement that interested persons could submit a "sworn statement" for the record after hearing chilled the post-hearing public comment on the proposed facility. Finally, the court noted that the procedures were not unfair due to the late hour of the hearing and the five minute limitation. It observed that the limitation was imposed on both opponents and proponents, and the Village made the second reporter available for longer statements. Further, no opponent responded to the hearing officer's offer to recess until the next day. The First District held that the Board's conclusion that the procedures were fundamentally fair was not against the manifest weight of the evidence. It stated: "There is nothing in the record to suggest that the opponents were denied the right to be heard at the hearing that followed the rally, prohibited from cross[-]examining proponents, or that the rulings on the evidence were anything less than impartial."

Finally, the First District deferred to the Board's decision that the Village satisfied the statutory flood-proof criterion. The court found that the "precondition of flood-proofing emerge[d] from the record and the language referring to it in the [village board's] ordinance."

The court noted that the Village had taken detailed evidence on this criterion, for which "there would be little point . . . if the Village did not intend it as a precondition.

RULEMAKING UPDATE

STEEL AND FOUNDRY LANDFILL AMENDMENTS ADOPTED, R90-26(A)

On July 21, 1994, the Board adopted amendments to the landfill regulations. This parent rulemaking, now docketed as R90-26(A), establishes a set of landfill regulations specific to certain wastes generated by the steel and foundry industries. One segment of the rulemaking, subdocket B, will augment the parent amendments when ultimately adopted. (See issues 475, Oct. 6, 1993; 478, Jan. 1, 1994; 481, Apr., 1994; 482, May, 1994 & 484, July, 1994.) The proponents of the amendments are members of the industries that generate the wastes at issue.

After receiving an amended proposal for rulemaking on September 23, 1993, the Board proposed the parent amendments for a second First Notice publication in the *Illinois Register* without substantive review. (Issue 475, Oct. 6, 1993.) The Board inserted terms in the text of the proposed amendments for later definition, believing that addition of the definitions would be necessary for understanding and implementing the proposed amendments, if adopted. On December 2, 1993, in response to indications by JCAR staff that it was possible that two related segments of the regulations were incomplete, the Board proposed corrections to the second First Notice. (Issue 478, Jan., 1994.) On April 21, 1994, the Board proposed the parent amendments to the Illinois landfill regulations for Second Notice review by the Joint Committee on Administrative Rules (JCAR).

The Board opened subdocket B in response to requests by the proponents of the steel and foundry waste landfill amendments, the Illinois Steel Group and the Illinois Cast Metal Association. On March 31, 1994, the Board proposed the subdocket B amendments for First Notice publication in the *Illinois Register*. The Board proposed the subdocket B amendments for Second Notice review by JCAR on June 23, 1994. The subdocket B amendments, when independently adopted, will add a new provision to the proposed rules relating to facility location. Direct questions to Kathleen M. Crowley, at 312-814-6929. Please refer to docket R90-26.

(Editor's note: JCAR approved these rules at its meeting of August 16, 1994. The Board has placed them on the September 1, 1994 meeting agenda for adoption.)

DRINKING WATER UPDATE ADOPTED, R94-4

On July 21, 1994, the Board adopted amendments to the Illinois drinking water regulations that are identical in substance to amendments adopted by U.S. EPA pursuant to the federal Safe Drinking Water Act (SDWA). The SDWA update period covered is from July 1 through December 31, 1994. During that period, U.S. EPA amended its regulations to add two new methods for analyzing total trihalomethanes (TTHMs) in drinking water.

In addition to the new TTHM methods and in response to a request from the Illinois EPA (Agency), the Board included a

number of corrections to the Phase II amendments originally adopted by the Board on November 3, 1992, in R91-3. The Agency asserted that the Phase II corrections were necessary to ensure a grant of state primacy upon review by U.S. EPA.

The Board proposed the amendments on May 5, 1994. A Notice of Proposed Amendments appeared in the *Illinois Register* on May 20, 1994. The Board acted to immediately adopt the amendments at the conclusion of the 45-day public comment period. Direct questions to Michael J. McCambridge, at 312-814-6924. Please refer to docket R94-4.

VEHICLE INSPECTION AND MAINTENANCE PROPOSAL FILED, AMENDMENTS PROPOSED, R94-19 & R94-20

On July 20, 1994, the Illinois Environmental Protection Agency (Agency) filed two new proposals for Clean Air Act (CAA) rulemaking. The two proposals deal with amendments intended to help implement an enhanced vehicle inspection and maintenance (I/M) program in certain areas in Illinois. One proposal was filed pursuant to the "fast-track" procedures of Section 28.5 of the Act; the other was filed under the identical-in-substance procedures of Sections 7.2 and 28.4.

Section 182(b) and (c) of the CAA, as amended in 1990, requires the use of "inspection and maintenance" (I/M) programs in areas not meeting the national ambient air quality standards (NAAQS) for ozone and/or carbon monoxide. The CAA specifies the use of "basic" I/M programs in "moderate" nonattainment areas and "marginal" nonattainment areas with existing I/M programs. It requires the use of "enhanced" I/M programs in "serious", "severe", and "extreme" ozone nonattainment areas with urbanized populations of 200,000 or more. In Illinois, the Chicago and Metro-East St. Louis (Metro-East) areas are classified as "severe" and "moderate" nonattainment for ozone, respectively, and as such are subject to the I/M requirement.

The General Assembly enacted the Vehicle Emissions Inspection Law (625 ILCS 5/13B) effective January 18, 1994. (P.A. 88-533.) That statute provides authority for the Agency to implement an enhanced I/M program and meet the United States Environmental Protection Agency's (U.S. EPA's) requirements for such a program. P.A. 88-533 mandates enhanced I/M testing for the Metro-East area and certain portions of the Chicago nonattainment area. Section 13B-20 mandates that the Agency propose and the Board adopt implementing regulations using identical-in-substance procedures.

The Agency proposed codified U.S. EPA emissions standards concerning evaporative system pressure and purge testing for the enhanced I/M program by identical-in-substance procedures under Section 28.4 of the Act, which the Board docketed as R94-20. However, major portions of the federal enhanced I/M scheme are not codified in federal regulations, but exist only as federal guidance. Since Section 7.2 of the Act defines "identical-in-substance" rulemaking and establishes conditions for its use, allowing the Board only to adopt federal rules using this mechanism, the Agency filed a separate proposal pursuant to the fast-track procedure of Section 28.5 to deal with proposed regulations largely based on federal guidance documents.

The R94-19 rulemaking was filed pursuant to the "fast-track"

rulemaking provisions of Section 28.5 of the Environmental Protection Act. As previously reported for earlier-filed CAAA proceedings, (See *Environmental Register* issues 461 (Dec. 2, 1992), 462 (Dec. 16, 1992), 465 (Feb. 24, 1993), 467 (Mar. 24, 1993), 468 (Apr. 7, 1993), 478 (Jan., 1994) & 482 (May, 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.

The statute requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. The first day of hearing is reserved for presentation by the Agency and questions of Agency witnesses. The second scheduled day of hearing, if it occurs, is reserved for presentation by affected entities and all other interested persons. The third scheduled day of hearing, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant. The Hearings are scheduled to occur as follows:

James R. Thompson Center
100 West Randolph Street
Chicago, Illinois

10:15 a.m., Thursday, September 8, 1994	Room 8-031
10:00 a.m., Friday, October 7, 1994	Room 9-040
10:00 a.m., Friday, October 21, 1994	Room 9-040

The Board will conduct a public hearing in the R91-20 identical-in-substance proceeding to comply with federal requirements. That hearing is scheduled to occur as follows:

James R. Thompson Center
100 West Randolph Street
Chicago, Illinois

10:00 a.m., Thursday, September 8, 1994	Room 8-031
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Direct questions to Michael J. McCambridge, at 312-814-6924.

BOARD DENIES EMERGENCY AMENDMENTS TO HAZARDOUS WASTE EXCLUSION, ORDERS COMMENTS SUBMITTED, R94-18

On July 1, 1994, Burlington Environmental Inc. filed a petition for rulemaking with the Board. Burlington requested that the Board adopt certain amendments promulgated by U.S. EPA on February 18, 1994. On July 18, 1994, Burlington requested that the Board adopt the amendments as emergency amendments under Section 5-45 of the Administrative Procedure Act (5 ILCS 100/5-45). The Agency responded on July 20, 1994, challenging the need for an emergency rule.

The amendments sought by Burlington would follow the federal lead in expanding the amount of hazardous waste used for treatability studies that is not subject to regulation as a hazardous

waste. Burlington stated that it would suffer a competitive disadvantage if the Board did not immediately adopt the substance of the federal amendments. The Board declined to find that an emergency existed as would justify an emergency amendment. It noted that the Board intended to proceed to propose the amendments sought using identical-in-substance

rulemaking procedures on August 11, 1994, under docket number R94-17. The Board estimated that it could conclude that proceeding by January 5, 1995 and ordered Burlington to comment on the relationship between its proposal and the imminent identical-in-substance proposal when that is released to the public. Direct all questions to Michael J. McCambridge, at 312-814-6924, or Diane F. O'Neill, at 312-814-6062.

FOR YOUR INFORMATION

RESTRICTED STATUS AND CRITICAL REVIEW LISTS FOR SEWAGE TREATMENT IN THIS ISSUE

The Illinois Environmental Protection Agency, Division of Water Pollution Control, is publishing copies of the Division's Restricted Status and Critical Review lists at the end of this issue of the Environmental Register. These lists reflect the status as of June 30, 1994.

GOVERNOR SIGNS EXEMPTION FOR LANDSCAPE WASTE TRANSFER STATIONS FROM REGIONAL POLLUTION CONTROL FACILITY SITING APPROVAL LAW

Governor Edgar signed Public Act 88-557 (formerly S.B. 1138; sponsored by Mahar and Novak) into law on Wednesday, July 27, 1994. This act amends the "S.B. 172" local siting approval procedure for regional pollution control facilities contained in Section 39.2 of the Environmental Protection Act (415 ILCS 100/39.2) to exempt certain waste transfer stations from the requirement for local siting approval before obtaining a permit from the Illinois EPA. Now excluded from the siting approval requirement are those waste transfer stations that exclusively handle landscape waste, such as leaves, grass, and twigs. In order to address potential odor problems, the bill contains a caveat that no single load of landscape waste may be kept at such a facility for longer than 24 hours. In place of going through the S.B. 172 local siting approval procedure, such facilities would instead require only local zoning approval. The amendments apply statewide. The amendments were effective on the date the Governor signed them, July 27, 1994. The anticipated result of these amendments is that it will now be easier to site landscape waste transfer facilities than it was when these proposed facilities were required to go through the more rigorous S.B. 172 siting process.

FINAL ACTIONS - July 21, 1994 BOARD MEETING

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| 91-86 | <u>Raymond D. Moore and Mary A. Moore v. IEPA</u> - The Board granted voluntary withdrawal of this underground storage tank reimbursement appeal involving a Cook County facility, since the petitioner acknowledged receipt of \$9,500.00, as agreed | | in the joint stipulation and settlement agreement filed May 18, 1994. |
| 92-212 | <u>Pekin Metro Landfill v. IEPA</u> - The Board granted voluntary withdrawal of this land permit appeal involving a Tazewell County | | |

facility, upon the petitioner's request and representation that the parties have entered into a consent order that resolves the issues.

93-1 Pekin Metro Landfill v. IEPA - The Board granted voluntary withdrawal of this land permit appeal involving a Tazewell County facility, upon the petitioner's request and representation that the parties have entered into a consent order that resolves the issues.

93-204 Mark and Jeanne Doruff, William and Marla Bolen, Ralph Nuzzo, Roman and Geri Maluk, Jagvir and Arivijaya Singh, Aurelio and Nellie Reyes, and Dan Rodriguez v. Bloomingdale Elementary School District 13 and FGM, Inc. - The Board accepted a stipulation and settlement agreement and dismissed this citizens noise enforcement action against a DuPage County facility.

94-58 City of Geneva v. Waste Management of Illinois, and County Board, County of Kane, State of Illinois - The Board affirmed the local approval of a proposed Kane County regional pollution control facility (landfill expansion).

94-82 H.C.T.K., Inc. v. IEPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement appeal involving a Marion County facility, upon the petitioner's request and representation that the parties have entered into a stipulation and settlement agreement that resolves the issues.

94-92 USA Waste Services, Inc. (Countryside Landfill) v. IEPA - The Board granted this Lake County landfill facility a six-month variance from the regulatory deadline for filing its application for significant permit modification.

94-147 Capital Asset Corporation and Industrial Investors Limited Partnership v. IEPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement appeal involving a Winnebago County facility.

94-153 Waste Management of Illinois, Inc. v. IEPA - The Board granted the petitioner's motion for summary judgment, deeming its supplemental

permit application for its Christian County facility complete and remanding it to the Agency for technical review.

94-173 People of the State of Illinois v. Health O Meter Products, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$12,000.00, and ordered it to cease and desist from further violation.

94-196 Marathon Oil Company v. IEPA - Upon receipt of an Agency recommendation, the Board granted the petitioner's Crawford County facility a 25-day provisional variance from certain of the carbon monoxide emissions limitations.

94-197 Twice Over Clean, Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Peoria County facility a 30-day provisional variance from the 90-day limitation on accumulation of hazardous waste.

AC 94-21 IEPA v. Dennis W. Gaebel - The Board accepted an agreed order, found that the respondent had violated Section 21(p)(1) of the Act at its Adams County facility, and ordered the him to pay a civil penalty of \$500.00.

AC 94-33 Will County v. Beecher Development Landfill - The Board entered a default order, finding that the respondent had violated Section 21(o)(12) of the Act at its Will County facility and ordering the it to pay a civil penalty of \$500.00.

AC 94-34 IEPA v. City of Freeport - The Board entered a default order, finding that the respondent had violated Section 21(o)(5) of the Act at its Stephenson County facility and ordering the it to pay a civil penalty of \$500.00.

R90-26(B) In the Matter of: Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 810 through 815 and 817) - Board Member E. Dunham abstained. See Rulemaking Update.

R94-4 Safe Drinking Water Act, Update U.S. EPA Regulations (July 1, 1993 through December 31, 1993) - See Rulemaking Update.

NEW CASES - July 21, 1994 BOARD MEETING

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| 94-160 | <u>BTL Specialty Resins Corporation v. IEPA</u> - The Board accepted an amended petition in this RCRA permit appeal involving a Cook County facility and set it for hearing. | | <u>Under Trust No. 2624 EG v. Village of Romeoville</u> - The Board accepted this appeal of a local siting denial for the proposed expansion of a Will County regional pollution control facility (landfill) and set it for hearing. |
| 94-163 | <u>Richard E. Gaunt, Sr. v. IEPA</u> - The Board accepted an amended petition in this underground storage tank reimbursement appeal involving a Tazewell County facility and set it for hearing. | 94-196 | <u>Marathon Oil Company v. IEPA</u> - See Final Actions. |
| 94-177 | <u>Burlington Environmental, Inc. v. IEPA</u> - The Board accepted an amended petition in this RCRA land variance proceeding involving a Monroe County facility and set it for hearing. | 94-197 | <u>Twice Over Clean, Inc. v. IEPA</u> - See Final Actions. |
| 94-178 | <u>Herrin Security Bank v. Shell Oil Company</u> - The Board held this citizen's land enforcement action involving a Williamson County facility. | AS 94-12 | <u>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)</u> - The Board held this petition for an adjusted standard from certain of the landfill financial responsibility requirements, pending receipt of proof of publication. |
| 94-190 | <u>People of the State of Illinois v. Best Foam Fabricators</u> - Upon receipt of proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. | AS 94-13 | <u>In the Matter of: Petition of Browning-Ferris Industries of Illinois, Inc.; Browning-Ferris Industries of Iowa, Inc.; and, BFI Modern Landfill, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.714(b)</u> - The Board held this petition for an adjusted standard from certain of the landfill financial responsibility requirements, pending receipt of proof of publication. |
| 94-191 | <u>Arco Products Company, a division of Atlantic Richfield Company v. IEPA</u> - The Board accepted this NPDES permit appeal involving a facility in Cook County and set it for hearing. | R94-17 | <u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (January 1, 1994 through June 30, 1994)</u> - See Rulemaking Update. |
| 94-192 | <u>Christ Episcopal Church v. Office of the State Fire Marshal</u> - The Board accepted this underground storage tank reimbursement appeal involving a facility in Lake County and set it for hearing. | R94-18 | <u>In the Matter of: Revisions of Treatability Testing Exclusion Limits: Amendment to 35 Ill. Adm. Code Sections 721.104(f)(e), (4) and (5)</u> - See Rulemaking Update. |
| 94-193 | <u>First Colonial Bank-Rosemont v. IEPA</u> - The Board accepted this underground storage tank appeal involving a facility in Cook County and set it for hearing. | R94-19 | <u>In the Matter Of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations Amendments 35 Ill. Adm. Code 240 (Rule-making)</u> - See Rulemaking Update. |
| 94-194 | <u>Freeman Unit Coal Mining Company v. IEPA</u> - The Board held this NPDES water variance involving a facility in Jefferson County for an Agency recommendation. | R94-20 | <u>In the Matter Of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations Amendments 35 Ill. Adm. Code 240 (Identical-in-Substance)</u> - See Rulemaking Update. |
| 94-195 | <u>Land and Lakes Co., JMC Operations, Inc., and NBD Trust Company of Illinois as Trustee</u> | | |

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.

August 3 9:30 a.m.	R 93-29 R, Land	<u>In the Matter of: Regulation of Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830-832</u> - James R. Thompson Center, Room 9-031, 100 West Randolph Street, Chicago.
August 4 10:30 a.m.	R 94-16 R, Air	<u>In the Matter of: 5% ROP Plan Control Measures for VOM Emissions--Part III: Air Oxidation and Organic Emissions from Storage and Loading Operations: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
August 9 11:00 a.m.	R 94-15 R, Air	<u>In the Matter of: 5% ROP Plan Control Measures for VOM Emissions--Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code 211, 218 & 219</u> - Department of Transportation Classroom, 1100 East Port Plaza Drive, Collinsville.
August 11 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
August 18 10:00 a.m.	PCB 94-43 P-A, Open Burning	<u>American Tree Service, Inc. v. EPA</u> - Sangamon County Board Chambers, Room 201, 200 South Ninth Street, Springfield.
August 22 9:30 a.m.	PCB 94-80 UST-FRD	<u>Gunit Corporation v. EPA</u> - Winnebago County Courthouse, County Boardroom, 400 West State Street, Rockford.
August 23 10:00 a.m.	R 94-11 R, Air	<u>In the Matter of: Procedural Rules Revision: Appeals from Office of State Fire Marshall Determinations, 35 Ill. Adm. Code 107</u> - Illinois Medical Society Building, 600 South Second Street, Third Floor, Springfield.
August 25 9:30 a.m.	AC 94-20 AC	<u>County of DuPage v. Waste Management of Illinois (Green Valley Landfill)</u> - DuPage County Administration Building, Room 2700-A, 421 North County Farm Road, Wheaton.
August 25 10:00 a.m.	PCB 94-25 WWSE	<u>Shell Oil Company v. EPA</u> - DuPage County Courthouse, Court Room 2001, 505 North County Farm Road, Wheaton.
August 26 10:00 a.m.	AS 94-10 HW Delist	<u>In the Matter of: Petition of Envirite Corporation for Revised Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D</u> - Harvey City Hall, Council Chambers, 15320 Broadway, Harvey.
August 26 9:00 a.m.	PCB 94-25 WWSE	<u>Shell Oil Company v. EPA</u> - DuPage County Courthouse, Court Room 2001, 505 North County Farm Road, Wheaton.
August 29 10:00 a.m.	PCB 94-128 P-A, RCRA	<u>National Coatings, Inc. v. EPA</u> - Knox County Courthouse, Conference Room, 200 South Cherry Street, Galesburg.
August 29 10:00 a.m.	PCB 93-248 L-E	<u>People of the State of Illinois v. John Prior and Industrial Salvage, Inc.</u> - Centralia City Hall, Council Chambers, 222 South Poplar Street, Centralia.
August 30 10:00 a.m.	PCB 93-248 L-E	<u>People of the State of Illinois v. John Prior and Industrial Salvage, Inc.</u> - Centralia City Hall, Council Chambers, 222 South Poplar Street, Centralia.

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 9 9:00 a.m.	AC 94-28 AC	<u>Sangamon County v. ESG Watts, Inc. (Springfield Twp./Sangamon Valley Landfill)</u> - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
September 9 12:00 p.m.	AC 94-29 AC	<u>Sangamon County v. ESG Watts, Inc. (Springfield Twp./Sangamon Valley Landfill)</u> - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
September 12 9:00 a.m.	PCB 94-176 P-A, Land	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. EPA</u> - Springfield Municipal Building, City Council Chambers, Third Floor, 7th and Monroe Streets, Springfield.
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 16 10:00 a.m.	PCB 94-195 L-S-R	<u>Land and Lakes Co., JMC Operations, Inc. and NBD Trust Company of Illinois, as Trustee under Trust No. 2624 EG v. Village of Romeoville</u> - Romeoville Village Hall, Board Room, 13 Montrose Drive, Romeoville.
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 22 10:00 a.m.	PCB 94-159 UST-FRD	<u>Grimm's Diversified Services Corp. v. EPA</u> - Public Library District, 315 West Pershing Street, Morton.
September 30 10:00 a.m.	PCB 94-150 A&N-E, Citizens	<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.</u> - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.
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)</u> - County Boardroom, 400 West State Street, Rockford.
October 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
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)</u> - James R. Thompson Center, 100 West Randolph Street, Room 9-040, Chicago.
October 25 1:00 p.m.	PCB 94-146 N-E, Citizens	<u>Dorothy L. Hoffman v. City of Columbia</u> - Columbia City Hall, City Council Room, 208 South Rapp, Columbia.
October 28 10:00 a.m.	PCB 94-26 P-A, Air	<u>Marathon Oil Company v. EPA</u> - Robinson Library, 606 North Jefferson, Robinson.
October 28 10:00 a.m.	PCB 94-27 A-V	<u>Marathon Oil Company v. EPA</u> - Robinson Library, 606 North Jefferson, Robinson.
November 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
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	<u>Arco Products Company, a Division of Atlantic Richfield Company v. EPA</u> - 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 Codes

3d P

Third Party Action

A-CAdministrative Citation

A-E	Air Enforcement	A&N-E Air and Noise Enforcement
A-S	Adjusted Standard	A-V Air Variance
CSO	Combined Sewer Overflow Exception	EPCRA-E 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	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 1994.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	COUNTY	REMAINING CAPACITY
Bourbonnais (Belle Aire Subd.)		Village of Bourbonnais	Kankakee 0
Camelot Utilities - Wastewater Collection System		Camelot Utilities	Will 0
Camp Point (a portion mh 60-68)		Village of Camp Point	Adams 0
Candlewick Lake STP	Consumer Ill. Water Co.	Boone	0
Canton - S.S. Surcharging	City of Canton	Fulton	0
New Salem, 4th Ave., Sycamore, Sycamore Terr., Main Street			
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
DeKalb-NW 8" Submain	City of DeKalb	DeKalb	0
East Alton STP	City of East Alton	Madison	0
Elmwood	City of Elmwood	Peoria	0
Farmington	City of Farmington	Fulton	0
Galesburg - S.S. Surcharging all sewers tributary to north side at intersections of San Born & West Sts; Dayton & Monroe Sts**	City of Galesburg	Knox	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Zurich - Knollwood, Minonski, Main Ls's**	Village of Lake Zurich	Lake	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Riverton (Sewer System-Partial)		Village of Riverton	Sangamon 0
Stockton STP	Village of Stockton	JoDaviess	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Virden (Sewer System-Partial)	Virden S.D.	Macoupin	0
Washington (Devonshire Estates)		City of Washington	Tazewell 0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report : Lake Zurich NW & SE STP's

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 1994.

Facility names followed by a double asterisk are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	COUNTY	REMAINING CAPACITY	PE ADDED SINCE LAST LIST
Beecher STP	Village of Beecher	Will***	0	187
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	0	0
Braidwood STP	City of Braidwood	Will	0	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0

Chester	City of Chester	Randolph	106	15
Crest Hill - West STP	City of Crest Hill	Will	7	168
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Derby Meadows Utility Co. STP		Derby Meadows Utility Co. Will		0 0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	8,769	95
Earlville	City of Earlville	LaSalle	283	0
East Dundee STP	Village of E. Dundee	Kane	1,652	49
Elkville	Village of Elkville	Jackson	6	3
Elmhurst	City of Elmhurst	DuPage	0	16
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	118	0
Herrin	City of Herrin	Williamson	***	337
Herschel	Village of Herscher	Kankakee	8	0
Hoopeston	City of Hoopeston	Vermilion	22	0
Kildeer-Bishop-Ridge STP	Village of Kildeer	Lake	40	0
CLPWD-DeerfieldRd. Interceptor		County of Lake Public Works		Lake ***
	0			
	Department			
CLPWD-Diamond-Sylvan STP**	County of Lake Public Works	Lake	248	0
	Department			
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	575
Milan	Village of Milan	Rock Island	1,127	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
O'Fallon	City of O'Fallon	St. Clair	459	182
Orangeville	Village of Orangeville	Stephenson	0	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	5,012	88
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report : Antioch

***Contact IEPA - Permit Section

MM:sp5439c/2-5

WATERWAYS CRUISE AND ENVIRONMENTAL WORKSHOP

EILEEN JOHNSTON is organizing another waterways cruise and floating seminar on October 1, 1994. The floating seminar is planned to discuss areas of environmental concern and the progress made in solving problems since the first Earth Day in 1970. Participants will view pictures of what the areas looked like twenty years ago. Speakers from state and federal agencies and industries will discuss the environmental progress made, pollution abatement, and current problems.

The cruise is on the *Wendella* and is 72 miles long. Participants will view the ever-changing and exciting shoreline of Chicago and Northern Indiana, and the waterways of the Calumet Sag Channel, Calumet River, and I & M Shipping Canal. The cruise also passes steel mills, new water reclamation facilities, barges, landfills, and the canyon of skyscrapers.

Eileen's cruise serves to demonstrate the environmental challenges facing our country due to the dramatic impact of man on the environment. Some of the questions addressed during the floating seminar include: What progress has been made? Can we eat fish from the Lake? How are environmental regulations proposed and enforced?

Participants meet at 8:45 a.m. at the foot of the Wrigley Building, and return before 4 p.m. Parking facilities are located west of the building, allow time to locate a space. Use public transportation if possible. Be prompt, don't miss the boat! Bring your lunch. Soft drinks are sold on board. Warm clothes and head gear are in order. The cost is \$45, \$35 for full time students. Send checks to:

Eileen Johnston, 505 Maple Avenue, Wilmette, IL 60091; (312) 814-3470

Please make reservation before September 15, 1994. Space is limited, so the sooner the better!

NAME _____

School, Firm, Group _____

Address _____

Phone _____

Ticket No. _____ Amount Enclosed _____

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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:

Claire A. Manning, Chairman
Springfield, Illinois

Emmett E. Dunham II
Elmhurst, Illinois

Ronald C. Flemal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Vacant

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.

Illinois Pollution Control Board
State of Illinois Center, 11-500
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(312) 814-3620

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