

# ENVIRONMENTAL REGISTER

## Illinois Pollution Control Board News

No. 451

May 6, 1992

### RULEMAKING UPDATE

#### PROPOSED AMENDMENTS RELATING TO GROUNDWATER QUALITY STANDARDS, R89-14(C)

On April 23, 1992, the Board proposed for second first notice amendments to the public water supply and water pollution control rules relating to groundwater quality. The Board opened this docket to complete a set of rules adopted in prior proceedings that establish quality standards for Illinois groundwater. The proposed amendments effect corrections to the earlier-adopted rules. They clarify the applicability of the water pollution control regulations to underground waters. They also restore an inadvertently-omitted phrase to the text of the earlier-adopted rules. Questions should be directed to Michelle Dresdow at 815-753-0947.

#### ADOPTED UST UPDATE, R91-14

On April 9, 1992, the Board adopted a Final Opinion and Order in R91-14, a UST Update for USEPA actions occurring during the period January 1 through June 30, 1991. The UST program is rules that are identical in substance to USEPA rules dealing with underground storage tanks (USTs). No USEPA actions occurred during the time frame that required Board amendments. Rather, this rulemaking is driven entirely by changes in statutory authority in P.A. 87-323. In response to this legislation, the Board has repealed all of the UST rules except those dealing with corrective action, and the Board has expanded the scope of the remaining rules so that they apply to non-residential, non-farm heating oil USTs. Questions should be directed to Morton Dorothy at 217-333-5575.

#### ADOPTED RCRA UPDATE, R91-13

On April 9, 1992, the Board adopted a final Opinion and Order in R91-13, an update for USEPA revisions to the "RCRA rules", governing hazardous waste, occurring during the period January 1 through June 30, 1991. It includes several USEPA corrections which appeared after this period. The covered amendments include new boiler and industrial furnace ("BIF") rules, and USEPA corrections to the "third third" land disposal restrictions. The Board will not file the adopted rules until

after May 8, 1992, to allow final comments from the agencies involved in the authorization process. The Board has requested post-adoption comment on three issues which may not have been reviewed by all commenters during the public comment period: the inclusion of the August 19, 1991, USEPA corrections concerning K061, electric arc furnace dust; the restriction of the temporary "free product recovery exclusion" to free product recovery carried out pursuant to the UST rules; and, whether the definition of "existing facility" under the BIF rules should be controlled by the certification of precompliance given to USEPA. Mr. Forcade and Mr. Meyer dissented. Questions should be directed to Morton Dorothy at 217-333-5575.

#### DISMISSED RULEMAKING RELATING TO ALUMINUM IN DRINKING WATER, R86-29

On March 11, 1992 the Board dismissed a proceeding relating to imposing limits on the maximum content of aluminum in drinking water. The Board conducted an inquiry hearing in 1986 on the relationship between the aluminum content of drinking water and Alzheimer's disease. Due to the fact that no member of the public has expressed an interest in this proceeding since 1987 by making any filing with the Board, the Board determined that it is not advisable to proceed further at this time. Questions should be directed to Deborah Stonich at 312-814-6926.

#### DISMISSED RULEMAKING RELATING TO AMENDMENTS TO THE LANDFILL RULES FOR ELECTRIC UTILITY INDUSTRY WASTES, R90-25

On April 9, 1992, the Board dismissed and closed the docket in this matter. This rulemaking involved certain requested amendments to the landfill regulations relating to disposal of wastes generated by electric generating utilities. The Board's action came in response to a March 26, 1992 motion to dismiss filed by the Illinois Utility Group. The Utility Group stated, in part, that it was requesting dismissal of its own proposal because those companies immediately affected by the Board's landfill regulations could seek regulatory relief via adjusted standard petitions. The Illinois Environmental Protection Agency stated that it did not object to the Utility Group's motion. Questions should be directed to Deborah Stonich at 312-814-6926.

### FINAL ACTIONS - APRIL 23, 1992 BOARD MEETING

PCB 88-98 IPB, Inc. v. IEPA - The Board remanded this matter to the Agency with directions to reissue IBP's NPDES permit for its Henry County facility, modifying the effluent discharge limit for ammonia nitrogen as per the stipulation of the parties and prior draft permits.

PCB 91-203 Export Packaging Co., Inc. v. IEPA - The Board affirmed the Agency's decision reimbursing Export Packaging Co., \$8,592.67 for corrective action costs for its Rock Island County facility.

PCB 91-233 L.D. Redmer Screw Products, Inc. v. IEPA - The Board granted L.D. Redmer's motion for voluntary dismissal.

AC 89-215 IEPA v. Omer Thomas - The Board denied Omer Thomas' motion to reconsider, and reaffirmed its January 23, 1992 Opinion and Order.

AC 89-224 IEPA v. John Vander - The Board ordered John Vander to pay \$1,225.01 in compensation for hearing costs to the State of Illinois General Revenue fund for his

Williamson County facility.

AC 92-14 Ogle County Health Dept. v. Browning Ferris Industries - The Board found Browning Ferris violated Section 21(o)(5) at its Ogle County facility and directed it to pay \$500 to the Ogle County Treasurer.

AC 92-16 IEPA v. Harold Hillerbrenner - The Board found Harold Hillerbrenner violated Section 21(p)(1) at his Adams County facility and instructed him to pay \$500 to the Environmental Protection Trust Fund.

AC 92-17 IEPA v. Robert S. & Virginia B. Connelly - The Board found Robert and Virginia Connelly violated Sections 21(p)(1) and 21(p)(4) of the Act at their Shelly County facility and imposed a \$1,000 penalty payable to the Environmental Protection Trust Fund.

AC 92-18 Logan County Health Dept. v. Lincoln/Logan Landfill, Inc. - The Board found Lincoln/Logan Landfill violated Sections 21(o)(3), 21(o)(5), 21(o)(9), 21(o)(11) and 21(o)(12) at its Lincoln/Logan County facility and imposed a \$2,500 penalty payable to the Logan County Health Department.

AC 92-19 Logan County Health Dept. v. Lincoln/Logan Landfill, Inc. - The Board found Lincoln/Logan Landfill violated Sections 21(o)(1), 21(o)(2), 21(o)(3), 21(o)(5), 21(o)(9), 21(o)(11) and 21(o)(12) at its Lincoln/Logan County facility and imposed a \$3,500 penalty payable to the Logan County Health Department.

AS 91-1 In the Matter of: Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting - The Board granted Keystone's motion to modify one condition of its March 12, 1992 Order in which the Board granted Keystone's chemically stabilized electric furnace dust with conditions from the list of hazardous wastes from specific sources found in 35 Ill. Adm. Code 721.132.

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

PCB 92-54 ESG Watts, Inc. v. IEPA - The Board accepted ESG Watts' petition for permit review. The case was accepted for hearing.

PCB 92-55 Stephen A. Smith, etal. v. City of Champaign - The Board accepted the third-party petition for review of the City of Champaign's decision granting site location suitability approval. The cases was accepted for hearing.

PCB 92-56 Laraway Recycling and Disposal Facility v. IEPA - The Board granted Laraway's Will County facility a provisional variance from the 90 day limitation on hazardous waste accumulation time set forth in 35 Ill. Adm. Code 722.134(b).

PCB 92-57 City of Wood River v. IEPA - The Board granted City of Wood River's Madison County facility a provisional variance from the water regulations to allow wastewater treatment plant repairs.

PCB 92-58 City of Lincoln v. IEPA - The Board granted City of Lincoln's Logan County facility a provisional variance from the water regulations to allow wastewater treatment plant repairs.

PCB 92-59 City of Charleston v. IEPA - The Board granted City of Charleston's Coles County facility a provisional variance from its water regulations to allow discharges of accumulated excess wastewater influent.

**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.

May 11 10:00 a.m.	AC 91-37 AC	<u>EPA v. Hubert Larson and John Strange</u> - Rockford State of Illinois Building, 200 S. Wyman, Third Floor, Small Conf. Room, Rockford.
May 12 10:00 a.m.	PCB 90-8 P-A	<u>The City of Metropolis v. EPA</u> - Metropolis City Hall, City Council Chambers, 106 W. 5th St., Metropolis.
May 12 11:00 a.m.	R 91-28 R	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, Reasonably Available Control Technology - Geographical Expansion for the Chicago Consolidated Metropolitan Statistical Area</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, Oswego.
May 12 2:00 p.m.	R91-24 R	<u>In the Matter of: Exemptions from Definitions of VOM, 35 Ill. Adm. Code 218 and 219</u> - Oswego Law Enforcement Center, Community Room, 3525 Route 34, (Across from Fox Bend Golf Course) Oswego.
May 13 10:00 a.m.	PCB 91-237 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.
May 13 10:00 a.m.	PCB 91-238 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. v. EPA</u> - Rockford Public Library, Room C., Lower Level, 215 N. Wyman St., Rockford.

May 14 10:00 a.m.	PCB 92-36 UST-FRD	<u>City of Lake Forest v. EPA</u> - Lake Forest City Hall, 220 E. Deerpath, Lake Forest.
May 14 10:00 a.m.	AC 91-32 AC	<u>Ogle County v. Rochelle Services, Inc.</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
May 15 9:00 a.m.	PCB 91-195 A-E	<u>Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.</u> - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.
May 15 10:00 a.m.	PCB 91-83 UST-FRD	<u>Village of Lincolnwood v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
May 19 10:00 a.m.	AS 91-11 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's East St. Louis Public Water Supply Facility</u> - Alton City Hall, Council Chambers, Room 104, 101 E. Third St., Alton.
<b>May 21</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
May 21 9:00 a.m.	PCB 92-40 P-A	<u>Waste Hauling, Inc. v. EPA</u> - Macon County Building, Room 504, Macon County Boardroom, 253 E. Wood St., Decatur.
May 22 9:00 a.m.	PCB 92-42 UST-FRD	<u>Burwell Oil Service, Inc. v. EPA</u> - Municipal Building, Room 203, Seventh and Monroe Streets, Springfield.
May 22 10:00 a.m.	AC 92-3 AC	<u>EPA v. Dennis Grubaugh</u> - Vandalia City Hall, Counsel Chamber, 219 S. Fifth St., Vandalia.
May 26 10:00 a.m.	PCB 92-17 UST-FRD	<u>Tim's Standard/Freeport v. EPA</u> - City of Freeport City Hall, Council Chambers, 230 W. Stephenson St., Freeport.
May 27 10:00 a.m.	AS 91-12 AS	<u>In the Matter of: Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's Cairo Public Water Supply Facility</u> - Alexander County Courthouse, Small Courtroom, 2000 Washington St., Cairo.
June 1 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
June 1 10:00 a.m.	PCB 91-260 UST-FRD	<u>Capital Asset Corp. and Industrial Investors Limited Partnership v. EPA</u> - Rockford State of Illinois Center, Third Floor Conference Room, 200 S. Wyman, Rockford.
June 2 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
June 2 10:00 a.m.	PCB 90-187 W-E	<u>Herman W. Prescott v. City of Sycamore</u> - Sycamore City Hall, Council Chambers, 535 DeKalb Ave., Sycamore.
June 3 10:00 a.m.	PCB 90-187 W-E	<u>Herman W. Prescott v. City of Sycamore</u> - Sycamore City Hall, Council Chambers, 535 DeKalb Ave., Sycamore.
<b>June 4</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 4 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - Marengo City Hall, 132 E. Prairie St., Marengo.
June 5 10:00 a.m.	PCB 92-49 UST-FRD	<u>Bernard Miller v. IEPA</u> - Newton City Hall, City Council Chambers, 108 N. Van Buren St., Newton.
June 9 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.

June 9 10:00 a.m.	R91-23 R	<u>In the Matter of Marathon Oil Company Petition for Site-Specific Rule Change, 35 Ill. Adm. Code 303.323</u> - Courthouse Commercium, Conference Room 280, 301 S. Cross St., Robinson.
June 10 9:30 a.m.	PCB 91-154 L-E	<u>Carrell and Mary Bates v. Edward E. Brake; Ella F. Brake; Eugene Gale Heiser, in his individual capacity and d/b/a Heiser Oil &amp; Gas Company and Heiser Oil &amp; Gas Co., an Illinois Corporation; and Amoco Oil Company</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
June 11 10:00 a.m.	PCB 92-31 UST-FRD	<u>City of Roodhouse v. EPA</u> - City of Roodhouse City Hall, 119 W. Palm St., Roodhouse.
June 16 9:30 a.m.	R 91-20 R	<u>In the Matter of: Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - Bloomington City Hall, City Counsel Chambers, 109 W. Olive St., Bloomington.
June 23 9:30 a.m.	PCB 92-15 UST-FRD	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - Williamson County Courthouse, 200 W. Jefferson (adjacent to Courtroom #5), Marion.
June 24 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 24 10:00 a.m.	PCB 92-50 A-V	<u>Lawrence Brothers, Inc. v. EPA</u> - Coliseum Building, Community Room, 212 Third Ave., Sterling.
<b>June 25</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 25 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 29 9:00 a.m.	PCB 91-250 P-A	<u>Pekin Energy Company v. EPA</u> - Pekin City Hall, Counsel Chambers, 400 Margaret St., Pekin.
June 30 10:00 a.m.	PCB 92-26 A&N-E	<u>Dale Dettlaff and Deborah Dettlaff v. Mr. Edwardo Boado, EPB Services, Inc.</u> - ELA Town Hall, 95 E. Main St., Lake Zurich.
June 30 10:30 a.m.	PCB 91-234 P-A	<u>Safety-Kleen Corporation (Pekin Facility) v. EPA</u> - Pekin City Council Chambers, 400 Margaret St., Pekin.
June 30 11:00 a.m.	PCB 91-16 P-A	<u>Nicor National, Inc. v. EPA</u> - Madison County Courthouse, 155 N. Main St., Edwardsville.
July 1 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.
<b>July 9</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
July 14 9:30 a.m.	R 91-20 R	<u>In the Matter of Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - State of Illinois Center, Room 2-025, 100 E. Randolph St., Chicago.
July 17 10:00 a.m.	PCB 91-134 P-A	<u>Safety-Kleen Corporation (Elgin Recycle Center) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 21 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</u> - City Hall, Mayor's Conference Room, Second Floor, 200 Edison Ave., Granite City.
<b>July 30</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>August 13</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

September 3		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
September 15 10:00 a.m.	PCB 91-201 UST-FRD	<u>RKF Enterprises v. EPA</u> - Benton City Hall, Council Room, 500 W. Main St., Benton.
September 17		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
September 24 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigolet Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 25 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigolet Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
October 1		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
October 15		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
October 29		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 19		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 3		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 17		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

**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-E	Underground Storage Tank Enforcement
UST-FRD	Underground Storage Tank Fund Reimbursement Determination		

**ENVIRONMENTAL INFORMATION SERVICES  
AVAILABLE FROM THE BOARD**

**SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND REGULATIONS**

Copies of Opinions issued by the Board in enforcement, variance, permit and landfill site location suitability appeals, plus regulatory matters are available in looseleaf form on an annual subscription basis. Loose-leaf binders included.

**REGULATIONS FOR THE DESIGN AND OPERATION OF NONHAZARDOUS WASTE LANDFILLS**

Over 1600 pages of Opinions and Orders from R88-7 and R84-17D, supporting background documents, detailed responses, executive summaries and an overview of the Board have been compiled on diskette (WordPerfect 5.0).

**ENVIRONMENTAL REGISTER NEWSLETTER FOR THE LATEST DEVELOPMENTS**

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings, lists the final actions taken at the Board meeting, contains the Board's hearing calendar and provides other useful information on environmental issues.

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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

G. Tanner Girard  
Grafton, 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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