

# ENVIRONMENTAL REGISTER

## Illinois Pollution Control Board News

No. 440

November 20, 1991

### RULEMAKING UPDATE

#### **BOARD ADOPTS FINAL RULE IN DOCKET R89-14(B), GROUNDWATER QUALITY STANDARDS (35 ILL. ADM. CODE 620), OPENS DOCKET C TO REPROPOSE AMENDMENTS TO PART 303**

On November 7, 1991, the Board adopted as a final rule the Docket B version of the groundwater quality standards in this proceeding [7-0, Opinion and Order of the Board by R.C. Flemal, J.D. Dumelle concurring]. On October 22, the Joint Committee on Administrative Rules issued a certificate of no objection to the proposed rules. The rules are adopted under Section 8 of the Illinois Groundwater Protection Act which mandates that the Board promulgate water quality standards for groundwater. The rules include General Provisions (Subpart A, including definitions, incorporations by reference, and exclusions), Groundwater Classification (Subpart B, setting up 4 classes of groundwater including potable resource class, general resource class, special resource class, and other groundwater; groundwater management zone and reclassification), Nondegradation Provisions (Subpart C, including general prohibitions against use impairment and preventive notification and preventive response activities and procedures), Groundwater Quality Standards (Subpart D, containing numerical and narrative standards for the specific classes), Groundwater Monitoring and Analytical Procedures (Subpart E), and Health Advisories (Subpart F).

In addition, the Board opened a Docket C in order to again propose amendments to Part 303. These proposed amendments were not adopted within one year from their original publication in the Illinois Register, therefore requiring the Board to return to first notice. The effect of these amendments is to recognize within Part 303 the adoption of Part 620 and its applicability to groundwater. Part 303 contains the Board's regulations applicable to underground waters.

Questions concerning this proceeding should be directed to Michelle Dresdow at (815)753-0947. Copies of the Opinion and Orders are available from the Board Offices, at the telephone number listed in this edition. Please refer to the docket number when requesting copies.

#### **R91-25 INQUIRY HEARINGS FOR AMENDMENTS TO NOISE REGULATIONS**

On October 24, 1991 the Board approved an order to hold inquiry hearings to focus on changes to 35 Ill. Adm. Code Subtitle H: Noise. Changes in instrumentation capabilities, developments in the field, and studies on noise measurements have taken place, prompting the Board to review the noise regulations. Hearings have been scheduled for November 25 & 26 at 10:00 a.m. in the State of Illinois Center, Chicago, Illinois, Room 9-040. Interested persons should contact Diane O'Neill at (312) 814-6062.

#### **BOARD ADOPTS RECYCLED PAPER RULE (R90-24);**

#### **RECYCLED PAPER REQUIRED AS OF JANUARY 1, 1992**

On November 7, 1991, the Board adopted a rule requiring that all documents filed with the Board by attorneys or organized environmental and trade groups be submitted on recycled paper. This rule is the result of a proposal filed by Business and Professional People for the Public Interest (BPI). (Board docket R90-24.) In its final form, the rule requires that as of January 1, 1992, all documents, excluding exhibits, filed with the Board by attorneys or organized environmental and trade groups be submitted on recycled paper. "Recycled paper" means paper which contains at least 40% postconsumer material, as the phrase "postconsumer material" is defined in Section 3(f) of the Illinois Solid Waste Management Act (Ill.Rev.Stat.1989, ch. 111 1/2, par. 7053(f)). The recycled paper requirement does not apply to stationery, such as letterhead, when used for cover letters or similar purposes. Additionally, the Board encourages all participants to double-side copies of documents filed with the Board.

**Attorneys and those who represent organized environmental and trade groups are reminded that this rule becomes effective on January 1, 1992.** This short delay between the final adoption of the rule and the compliance date will allow for a short phase-in period, during which participants can exhaust their existing stocks of paper and obtain recycled paper. The Board has recognized that this recycled paper requirement will cause some inconvenience in the beginning, but has found that the important public policy goals of encouraging recycling and stimulating markets outweigh the inconvenience.

The adopted rule will soon be published in the Illinois Register. Copies of the final opinion and order, containing the text of the rule, are available from the Board at 312/814-3620. Questions should be directed to Elizabeth Schroer Harvey at 312/814-6921.

#### **SECOND NOTICE ON REPEAL OF MEDICAL WASTE RULES, R91-18**

As part of the new legislative mandate under P.A. 87-752, the Board proposed the repeal of its existing hazardous (infectious) medical waste rules for Second Notice on October 24, 1991. P.A. 87-752 institutes a new system for regulating potentially infectious medical wastes that requires the Board to repeal the existing regulations by January 1, 1992. Other mandates for the Board found in P.A. 87-752 are currently part of the Board's rulemaking docket in R91-19, R91-20, and R91-21. Questions should be directed to Michael McCambridge at 814-6924.

### **BOARD AND STAFF ACTIVITIES**

Scientific and Technical Staff Member LouAnn Burnett attended the 12th Annual Meeting of the Society of Environmental Toxicology and Chemistry (SETAC), November 3 - 7, 1991 in Seattle, Washington. She presented two papers entitled "Sediment Toxicity Evaluations Using Aquatic Plant

Assays" and

"Environmental Regulation: Where are the Scientists?". She was also elected Vice President of the Ozark-Prairie Chapter of SETAC for 1992.

## **FINAL ACTIONS - NOVEMBER 7, 1991 BOARD MEETING**

**PCB 90-140** People of the State of Illinois v. G & K Investments, Inc. et al. - The Board accepted the Stipulation and Settlement Agreement in which respondents did not contest the alleged violations of the Clean Air Act, agreed to pay a penalty of \$9,000 designated to the Environmental Protection Trust Fund and agreed to take remedial action and to cease and desist from alleged violations at their Logan County facility. Board Member J.D. Dumelle dissented and Board Member J. Theodore Meyer concurred.

**PCB 91-132** Quantum Chemical Corp. USI Division v. IEPA - This matter was dismissed on petitioner's motion.

**PCB 91-141** Christian County Landfill, Inc. v. IEPA - This matter was dismissed on petitioner's motion.

**PCB 91-209** Illinois Dept. of Transportation - District One v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to the 90-day on-site limitation for hazardous wastes at its Cook County facility. Board Members J.D. Dumelle and B. Forcade concurred.

**PCB 91-210** John Crane, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to the 90-day on-site limitation for hazardous wastes at its Fayette County

facility. Board Members J.D. Dumelle and B. Forcade concurred.

**AC 89-67** IEPA v. Merle Buerkett - This matter was dismissed on the Agency's motion.

**AC 90-26(B)** IEPA v. ESG Watts, Inc. a foreign Corp. licensed to do business in Illinois - The Board ordered respondent to pay as compensation for hearing costs incurred by the Board and Agency, the amount of \$159.75 for deposit into the General Revenue Fund and closed the docket. Board Member J. Theodore Meyer dissented.

**AC 90-47** IEPA v. ESG Watts, Inc. - This matter was dismissed on the Agency's motion.

**R89-14(B)** In The Matter Of: Groundwater Quality Standards (35 Ill. Adm. Code 620) - This rulemaking fulfills the mandate that the Board promulgate regulations establishing comprehensive water quality standards which are specifically for the protection of groundwater (IGPA at Section 8(a)).

**R90-24** In The Matter Of: Amendments to 35 Ill. Adm. Code 101.103(d) To Require Use of Recycled Paper For All Documents Filed With The Board - This rulemaking amends Section 101.103 (35 Ill. Adm. Code 101.103) of the Board's procedural rules to require the use of recycled paper for all documents filed by attorneys with the Board.

## **NEW CASES - NOVEMBER 7, 1991 BOARD MEETING**

**PCB 91-136** Don Bolander v. Monticello Bus Service, Wayne Kruger, President - Complainant alleges violations of Board noise pollution regulations at respondent's Piatt County facility. Accepted for hearing.

**PCB 91-152** Envirite Corp. v. IEPA and Peoria Disposal Co. et al. - Complainant alleges violations of the Act relating to hazardous wastes at a Peoria County landfill. Accepted for hearing.

**PCB 91-183** Thomas J. Sneed et al v. Frank Farrar, First Bank & Trust Co. - Complainant alleges violations of Board noise pollution regulations at respondent's Alexander County facility. Held until November 21, 1991.

**PCB 91-194** Residents of Cedarville v. Village of Cedarville - Complainants allege violations of Board water pollution regulations at respondent's Stephenson County facility. Accepted for hearing.

**PCB 91-195** Scott A. Thomas et al v. Carry Companies of Illinois, Inc. - Complainants allege violations of the Act and Board air and noise pollution regulations at respondent's Macon County facility. Accepted for hearing.

**PCB 91-201** RFK Enterprises v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Franklin County facility. Accepted for hearing.

**PCB 91-202** Sherex Chemical Co., Inc. v. IEPA - Petitioner

seeks permit review for its Peoria County facility. Accepted for hearing.

**PCB 91-203** Export Packing Co., Inc. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Rock Island County facility. Accepted for hearing.

**PCB 91-204** Lewis Brothers Bakeries, Inc., v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Madison County facility. Accepted for hearing.

**PCB 91-205** Fred M. Strube and Cynthia L. Strube v. IEPA - Petitioners seek review of an underground storage tank reimbursement determination for their Peoria County facility. Accepted for hearing.

**PCB 91-206** Clayton Chemical Co. v. IEPA - Petitioner seeks permit review for its St. Clair County facility. Accepted for hearing.

**PCB 91-207** Olin Corp. v. IEPA - Petitioner seeks review of certain conditions imposed in the RCRA Hazardous Waste Management Part B Permit for its Williamson County facility. Accepted for hearing.

**PCB 91-208** Ashland Chemical Co. v. IEPA - Petitioner seeks appeal of certain conditions of a Part B Permit concerning its Cook County facility. Accepted for hearing.

**PCB 91-209** Illinois Dept. of Transportation - District One.

v. IEPA - See Final Actions.

**PCB 91-210**     John Crane, Inc. V. IEPA - See Final Actions.

**PCB 91-211**     People of the State of Illinois v. Swift-Eckrich, Inc. - Petitioner alleges violations of the Act and Board air pollution regulations at respondent's Cook County facility. A stipulation and proposal for settlement together with an agreed motion to request relief from the hearing requirement was filed. The Board directed the Clerk to cause publication of the required newspaper notice and reserved ruling on the parties' request until after the statutory 21 days passed.

**PCB 91-212**     O'Brien Tire and Battery Service v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Madison County facility. Held until November 21, 1991.

**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.

November 25 10:00 a.m.	PCB 90-201 N-E	<u>David L. Dravis and Margo Dravis v. M &amp; D AG, Jerry McGinn, and Bert Davis</u> -Coliseum Building, Second Floor, 212 Third Avenue, Sterling.
November 25 10:00 a.m.	R 91-25 R	<u>In the Matter of Amendments to 35 Ill. Adm. Code Subtitle H: Noise - Pertaining to Definitions, Measurement Procedures, and Sound Emission Standards Relating to Certain Noise Sources</u> - State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
November 26 10:00 a.m.	R 91-25 R	<u>In the Matter of Amendments to 35 Ill. Adm. Code Subtitle H: Noise - Pertaining to Definitions, Measurement Procedures, and Sound Emission Standards Relating to Certain Noise Sources</u> - State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
November 27 9:30 a.m.	PCB 91-128 N-E	<u>Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard</u> - Criminal Justice Center, 707 Etna Road, Ottawa.
December 2 9:30 a.m.	PCB 91-191 UST-FRD	<u>Grand Soo, Inc., v. EPA</u> - State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
<b>December 5</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.	PCB 91-95 P-A	<u>Staunton Landfill, Inc. v. EPA</u> - Macoupin County Courthouse, County Boardroom (Basement), Carlinville.
December 10 10:00 a.m.	PCB 91-198 UST-FRD	<u>Enterprise Leasing v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
December 12 10:00 a.m.	PCB 86-160 L-E	<u>EPA and the People of the State of Illinois v. Fitz-Mar, Inc.</u> - Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.
December 12 10:00 a.m.	PCB 91-138 UST-FRD	<u>Kronon Motor Sales v. EPA</u> - State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 13 10:00 a.m.	PCB 91-50 N-E	<u>Karl Christ and Helen Christ v. Compost Enterprises, Inc.</u> - McHenry City Hall, 333 S. Green St., McHenry.
December 16 10:00 a.m.	PCB 91-57 P-A	<u>Monsanto Company v. EPA</u> - Sauget Village Hall, 2897 Falling Springs Road, Sauget.
December 17 10:00 a.m.	PCB 91-30 N-E	<u>Susan Curtis and Marcy Diesing v. Material Service Corporation</u> - Crystal Lake City Hall, Council Chambers, 101 W. Municipal Complex, Crystal Lake.
December 18 10:00 a.m.	PCB 91-30 N-E	<u>Susan Curtis and Marcy Diesing v. Material Service Corporation</u> - Crystal Lake City Hall, Council Chambers, 101 W. Municipal Complex, Crystal Lake.
<b>December 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
December 19 9:30 a.m.	PCB 91-149 A-V	<u>Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. EPA</u> - Loyola Law School, Corboy Courtroom, 1 East Pearson, Chicago.
December 20 10:00 a.m.	AC 91-38 A-C	<u>EPA v. Danny Mains</u> - Bond County Courthouse, 200 W. College, Greenville.
December 20 10:00 a.m.	AC 91-38 A-C	<u>Clyde R. Dace v. D. Kohlhas, Fire Chief, Fox River Grove Fire Protection District</u> - McHenry County Courthouse, Courtroom 311, 2200 N. Seminary, Woodstock.

January 3 9:30 a.m. PCB 91-193 A-E People of the State of Illinois v. Park Crematory, Inc. - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.

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

January 16 10:00 a.m. PCB 91-190 UST-FRD State Bank of Whittington v. EPA - State Bank of Whittington, Conference Room, Whittington.

**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		

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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	Jacob D. Dumelle Oak Park	Ronald C. Flemal DeKalb
Bill S. Forcade Chicago	J. Theodore Meyer Chicago	Michael L. Nardulli Chicago	

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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