

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 441

December 4, 1991

BOARD MEETING UPDATE

The December 5, 1991 meeting of the Pollution Control Board has been **rescheduled** to December 6, 1991. The **rescheduled** meeting will begin at 10:30 a.m. in Room 9-040 of the State of Illinois Center.

RULEMAKING UPDATE

BOARD SEVERS REPORTING REQUIREMENTS FROM AIR TOXIC RULE TO SUBDOCKET, R90-1

On November 21, 1991 the Board voted (5-1) to sever the toxic air contaminant reporting requirements for emission sources from the main docket (R90-1(A)) of the proposed toxic air contaminants list. The reporting requirements were placed in a separate subdocket C. The Board invited comments regarding the advisability of performing an economic impact study (EIS). The Board has sixty days to make a determination on whether such a study should be performed.

The Board stated that it intends to move the main body of the rule to second notice. The reporting requirements, however, will be repropose for first notice publication following the Board's EIS determination.

Questions concerning this proceeding should be directed to Mark P. Miller at 217/333-5573. Copies of the Opinion and Order are available from the Board office at 312/814-3620. Please refer to the docket number when requesting copies.

BOARD TAKES FURTHER ACTION ON CALIFORNIA MOTOR VEHICLE STANDARDS, R89-17(C)

On November 21, 1991, the Board proposed, for second first notice, rules which would adopt portions of the California motor vehicle program in Illinois. (Docket R89-17(C).) The proposed rules, if adopted, would adopt the California Low Emission Vehicle (LEV) program beginning with model year 1996 passenger cars and light duty trucks (those rated at 6000 pounds gross vehicle weight or less). The LEV program establishes four new categories of vehicle emission standards, which are phased in through model year 2003. The four types of LEV vehicles are the transitional low emission vehicle (TLEV), the low emission vehicle (LEV), the ultra low emission vehicle (ULEV), and the zero emission vehicle (ZEV). Manufacturers may meet fleet average emission standards by certifying any combination of conventional vehicle, TLEV, LEV, ULEV, and ZEV standards. However, beginning in model year 1998, percentage requirements for ZEVs are mandatory.

The Board expects to hold additional hearings in this matter. All interested participants may submit comments on the need for additional hearings, which subjects should be discussed, and suggested timeframes for these hearings. These comments on further hearings should be submitted to the Board

by December 31, 1991. The first notice publication of these rules in the Illinois Register will occur shortly, beginning a 45-day comment period on the proposed rules. Copies of the opinion and order are available from the Board at 312/814-3620. Specific questions should be addressed to Elizabeth Schroer Harvey, Hearing Officer, at 312/814-6921.

MARATHON OIL COMPANY SITE-SPECIFIC RULEMAKING EClS DETERMINATION, R91-23

Marathon Oil Company, located near Robinson, Illinois, in Crawford County, filed a petition for site-specific rule change seeking to increase the chloride concentration allowed by 35 Ill. Adm. Code 303. 323(b)(1)(2). On November 21, 1991, the Board issued an order finding that a formal Economic Impact Study (EIS) is not necessary in this proceeding. For further information, contact Karen Rosenwinkel at (312) 814-3665.

BOARD DISMISSES CENSUS DOCKET, R88-8

On August 26, 1991, the Board issued an Opinion and Order dismissing this proceeding and closing the docket effective October 15, 1991. The Board also requested the Agency, DENR, and USEPA to file any data or analyses in their possession that would respond to the Board's proposed census form. On October 24, 1991, the Board issued an order reopening this Docket to formally take notice of the Agency's and DENR's responses which were filed on October 15, 1991. The Board also affirmed its August 26, 1991 Opinion and Order and dismissed the proceeding and closed the docket, effective October 24, 1991.

APPEAL UPDATE

THIRD DISTRICT APPELLATE COURT AFFIRMS BOARD DECISION

On October 31, 1991, the Third District Appellate Court handed down a decision in The Village of Beecher v. Illinois Pollution Control Board, (3-91-1053). The Court affirmed the Board's decision in the case titled Fredette v. Village of Beecher, PCB 89-61. The Board had found the Village was in violation of the Environmental Protection Act on a complaint filed by a citizen and the Board assessed a penalty of \$10,400 to the Village. The Village, on appeal, argued that the citizen complaint was "duplicious" of a subsequently filed complaint by the Attorney General and that the penalty imposed by the Board was unreasonable. The Court held that the two actions involved a substantial number of different violations and found "nothing unreasonable" in the amount of the penalty assessed.

BOARD AND STAFF ACTIVITIES

Board Member Jacob D. Dumelle was interviewed on radio station WPNA in Oak Park on November 26th,

He is scheduled to speak to the Lake County Health Department Staff in Waukegan on December 20th on "The Clean Air Act and other Environmental Issues".

FINAL ACTIONS - NOVEMBER 21, 1991 BOARD MEETING

PCB 90-141 FIW, Inc. v. IEPA - This matter was dismissed on petitioner's motion.

PCB 90-168 Williamson Adhesives, Inc. v. IEPA - The Board granted summary judgement in favor of the Agency, affirmed the Agency's decision of August 2, 1990 that disallowed reimbursement from the Underground Storage Tank Fund and closed the docket concerning respondent's Cook County facility.

PCB 91-29 Commonwealth Edison Co. v. IEPA et al. - The Board granted petitioner variance, with conditions, from the Board's water pollution regulations, concerning temperature standards for discharges at its Will County facility.

PCB 91-135 Village of Bloomingdale v. IEPA - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to the standards for combined radium-226 and radium-228 and gross alpha particle activity for its DuPage County facility. Board Member J.D. Dumelle concurred, and Board Member B. Forcade dissented.

PCB 91-142 People of the State Illinois v. Broadwell Grain Elevator, Inc., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent admitted to violations of the Act and Board air pollution regulations, agreed to pay a sum of \$1,500 for deposit into the Environmental Protection Trust Fund and to cease and desist from further violations at its Logan County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.

PCB 91-151 People of the State of Illinois v. United States Dept. of the Navy - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent agreed to pay a sum of \$1,000 for deposit into the Environmental Protection Trust Fund, and to cease and desist from further violations of the Act and Board air pollution regulations at respondent's Cook County facility. Board Member J. Theodore Meyer dissented.

PCB 91-226 Plastofilm Industries, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its DuPage County facility. Board Member J.D. Dumelle concurred.

PCB 91-227 Lawrence Brothers, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes for its Whiteside County facility. Board Member J. D. Dumelle concurred.

PCB 91-229 Village of Stillman Valley v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations for its Ogle County facility. Board Member J. D. Dumelle concurred.

PCB 91-230 General Motors Corp. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations for its Vermilion County facility. Board Member J. D. Dumelle concurred.

PCB 91-231 City of Robinson v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's water pollution regulations for its Crawford County facility. Board Member J. D. Dumelle concurred.

AC 91-43 IEPA v. Fred Massat - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

AC 91-44 IEPA v. Vance Eaton - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

AC 91-46 St. Clair County v. Ivan Ping - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

NEW CASES - NOVEMBER 21, 1991 BOARD MEETING

PCB 91-183 Thomas and Barbara Sneed v. Frank Farrar and the First Bank and Trust Co. - Complainant alleges violations of Board noise pollution regulations at respondent's Alexander County facility. Accepted for hearing.

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. Additional information requested.

PCB 91-213 First Busey Trust & Investment Co., as

Trustee of the Anne Laycock Trust v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Champaign County facility. Accepted for hearing.

PCB 91-214 North Oak Chrysler Plymouth v. Amoco Oil Co. - Petitioner alleges violations of the Act and Board waste disposal regulations at respondent's Cook County facility. Held for duplicitous/frivolous determination.

PCB 91-215 Land and Lakes Co. (#1978030003) v. IEPA

- Petitioner seeks variance for its Will County facility. Additional information requested.

PCB 91-216 Land and Lakes Co. (#0316000005) v. IEPA - Petitioner seeks variance for its Cook County facility. Additional information requested.

PCB 91-217 Land and Lakes Co. (0987120004) v. IEPA - Petitioner seeks variance for its Cook/Lake County facility. Additional information requested.

PCB 91-218 Land and Lakes Co. (#0310690003) v. IEPA - Petitioner seeks variance for its Cook County facility. Additional information requested.

PCB 91-219 General Motors Corp. Central Foundry Division v. IEPA - Petitioner seeks permit review for its Vermilion County facility. Accepted for hearing.

PCB 91-220 Waste Management of Illinois, Inc. (Laraway Facility) v. IEPA - Petitioner seeks review of certain conditions imposed by the Agency in the RCRA closure plan for its Will County facility. Accepted for hearing.

PCB 91-221 Manito/Waddell Airport, RR 1 v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Mason County facility. Accepted for hearing.

PCB 91-222 Ronk Electrical Industries, Inc. v. IEPA - Petitioner seeks review of certain conditions imposed by the Agency in the RCRA closure plan permit for its Montgomery County facility. Accepted for hearing.

PCB 91-223 Waste Hauling, Inc. v. Macon County Board - Petitioner seeks review of the Macon County Board decision denying site location suitability approval for a Macon County facility. Accepted for hearing.

PCB 91-224 5027 Corp. v. City of Moline - Petitioner seeks review of the City of Moline decision denying site location suitability approval for a Rock Island County facility. Accepted for hearing.

PCB 91-225 People of the State of Illinois v. Dart Container Corp. of Illinois, a Michigan corp. - Petitioner alleges violations of the Act and Board air pollution regulations at respondent's Kane County facility. A stipulation and proposal for settlement and an agreed motion to request relief from the hearing requirement were filed. The Board directed the Clerk of the Board to cause publication of the required newspaper notice and reserved ruling on the parties' request until after the statutory 21 days passed.

PCB 91-226 Plastofilm Industries, Inc. v. IEPA - See Final Actions.

PCB 91-227 Lawrence Brothers, Inc. v. IEPA - See Final Actions.

PCB 91-228 Allsteel, Inc. v. IEPA - Petitioner seeks variance from the Board's waste disposal regulations at its Kane County facility. Additional information requested.

PCB 91-229 Village of Stillman Valley v. IEPA - See Final Actions.

PCB 91-230 General Motors Corp. v. IEPA - See Final Actions.

PCB 91-231 City of Robinson v. IEPA - See Final Actions.

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.

December 9: 9:30 a.m.	9	PCB 90-170 W-E	<u>Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joillet as Trustee, Trust No. 370</u> - Grundy County Courthouse Boardroom, 111 E. Washington St., Morris.
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 11: 9:30 a.m.	11	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 160, Corboy Courtroom, 1 E. Pearson, 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 12: 9:30 a.m.	12	PCB 90-170 W-E	<u>Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joillet as Trustee, Trust No. 370</u> - Grundy County Courthouse Boardroom, 111 E. Washington St., Morris.
December 12: 9:30 a.m.	12	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 160, Corboy Courtroom, 1 E. Pearson, Chicago.
December 16:		PCB 91-57	<u>Monsanto Company v. EPA</u> - Sauget Village Hall, 2897 Falling Springs Road, Sauget.

10:00 a.m.	P-A	
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.
December 19		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
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. Kohlhase, Fire Chief, Fox River Grove Fire Protection District</u> - McHenry County Courthouse, Courtroom 311, 2200 N. Seminary, Woodstock.
December 27 9:00 a.m.	PCB 90-31 W-V	<u>R. Lavin & Sons, Inc. v. EPA</u> - Little Fort Media Conference Room, 113-115 N. Genesee, Waukegan.
January 3 9:30 a.m.	PCB 91-193 A-E	<u>People of the State of Illinois v. Park Crematory, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 7 9:30 a.m.	PCB 91-204 UST-FRD	<u>Lewis Brothers Bakeries, Inc. v. EPA</u> - Collinsville City Hall, 125 S. Center St., Collinsville.
January 8 10:00 a.m.	PCB 90-182 N-E	<u>Ronald E. Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company</u> - McDonough County Courthouse, Law Library, Third Floor, Macomb.
January 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
January 15 1:00 p.m.	PCB 91-174 UST-FRD	<u>Enterprise Leasing Company (Chicago Heights) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 15 9:00 a.m.	PCB 91-175 P-A	<u>Ball Corporation, Ball Metal Decorating & Service Division v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 16 10:00 a.m.	PCB 91-190 UST-FRD	<u>State Bank of Whittington v. EPA</u> - State Bank of Whittington, Conference Room, Whittington.
January 16 10:30 a.m.	R 91-23 R	<u>In the Matter of: Marathon Oil Company Petition for Site-Specific Rule Change, 35 Ill. Adm. Code 303.323</u> - Robinson Community Center, 300 S. Lincoln, Robinson.
January 17 10:30 a.m.	PCB 91-136 N-E	<u>Don Bolander v. Monticello Bus Service, Wayne Kruger, President</u> - County Board Room, Room 104, 101 W. Washington St., Monticello.
January 22 10:00 a.m.	PCB 91-203 UST-FRD	<u>Export Packaging Co., Inc. (Moline Facility) v. EPA</u> - County Office Building, County Boardroom, Third Floor, 1504 Third Avenue, Rock Island.
January 23		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
January 29 9:30 a.m.	PCB 91-205 UST-FRD	<u>Fred M. Strube and Cynthis L. Strube d/b/a Strube's 66</u> - Peoria County Courthouse, Peoria County Board of Supervisors, Jefferson & Main, Peoria.
January 30 9:30 a.m.	PCB 91-202 P-A	<u>Sherex Chemical Company, Inc. v. EPA</u> - Peoria County Courthouse, Board of Supervisors, Jefferson & Main St., Peoria.
March 18 10:00 a.m.	AS 90-4 AS	<u>In the Matter of: Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria</u> - City Hall, Mayor's Conference Room, Second Floor, 200 Edison Ave., Granite City.
March 23	PCB 90-8	<u>The City of Metropolis v. EPA</u> - Metropolis City Hall, City Council Chambers, 106 West 5th

10:00 a.m.	P-A	Street, Metropolis.
April 30 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.

Calendar Code

A-C	Administrative Citation	A-E	Air Enforcement
A-S	Adjusted Standard	A-V	Air Variance
CSO	Combined Sewer Overflow Exception	L-E	Land Enforcement
L-S-R	Landfill Siting Review	L-V	Land Variance
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
SO ₂	SO ₂ Alternative Standards	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule (35 ILL. ADM. CODE 302.211(F))
T-C	Tax Certifications	T-S	Trade Secrets
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception	UST-E	Underground Storage Tank Enforcement
UST-FRD	Underground Storage Tank Fund Reimbursement Determination		

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The Illinois Pollution Control Board is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

John C. Marlin, Chairman
Urbana, Illinois

Joan G. Anderson
Western Springs, Illinois

Jacob D. Dumelle
Oak Park, Illinois

Ronald C. Flemal
Dekalb, Illinois

Bill S. Forcade
Nardulli
Chicago, Illinois

J. Theodore Meyer
Chicago, Illinois

Michael L.
Chicago, Illinois

Environmental Mailing List
Name and Address Corrections

The Pollution Control Board has reduced its mailing costs for the Environmental Register by instituting a new address label system. The Board began this change by updating its mailing list several months ago. In an effort to keep the cost of the Environmental Register to a minimum, the Board is requesting that readers please check the name and address of the mailing label for accuracy, especially the zip code. If a correction needs to be made, please send the mailing label (or a copy) **and** the corrections to:

Vicky Agyeman
100 W. Randolph Street
Suite 11-500
Chicago, IL. 60601

**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.

For more information on these services, please contact the Board at (312) 814-3620.

Illinois Pollution Control Board
State of Illinois Center, 11-500
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3620

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