

ENVIRONMENTAL REGISTER

No. 414

October 10, 1990

RCRA TCLP UPDATE ADOPTED, MODIFIED AND FILED (R90-10)

R90-10 is the RCRA update addressing USEPA regulations adopted for the period 1/1 through 3/31/90. This includes the USEPA TCLP (toxicity characteristic leaching procedure) modification to the definition of hazardous waste.

The Board adopted R90-10 on August 30, 1990. A major change was the addition of a "Board Note" to Section 721.124, providing that small quantity generators may continue to use the EP toxicity test through March 29, 1991.

USEPA extended the time for generator notification at 55 Fed. Reg. 31387, August 2, 1990.

On September 13, 1990, the Board modified R90-10, by adding a sentence to the Board Note to clarify a reference to the "EP toxicity" in 35 Ill. Adm. Code 808.410, recently adopted in R89-13.

R90-10 has been filed with the Administrative Code Division, and became effective on September 25, 1990. The text of the rules will appear in the October 5, 1990 issue of the Illinois Register

Questions on the RCRA program should be directed to Morton Dorothy at 217/333-5575.

UST UPDATE AND STATE FUND REPEAL (R90-12)

The Board has opened Docket R90-12 to address USEPA amendments to the UST (underground storage tank) rules during the first half of 1990. The Board may also address H.B. 3325 (P.A. 86-1050) in the same Docket.

35 Ill. Adm. Code 731.190 et seq., and 40 CFR 141.90 et seq., require owners of operators of USTs to demonstrate financial responsibility for corrective action and third party liability. P.A. 86-125 created the "UST fund", which provides money for corrective action for UST operators. P.A. 86-958 added Section 22.13(d) to the Act, providing that the UST Fund was intended as a State Fund by UST operators could meet the federal financial responsibility requirement. The Board implemented this intent by adopting 35 Ill. Adm. Code 731.200 in R89-19. P.A. 86-1050 appears to have amended Section 22.13(d) of the Act so as to require repeal of Section 731.200. The result of this would be to again require "private" insurance for UST operators.

It may take several months to complete the regulatory process to repeal 35 Ill. Adm. Code 731.200. However, owners and operators of USTs need to be aware that P.A. 86-1050 may be self-implementing. Since the authority for Section 731.200 has been withdrawn, they may be subject to immediate enforcement unless they have private insurance meeting the requirements of 40 CFR 141.90 and 35 Ill. Adm. Code 731.190 et seq.

Questions on the UST program should be directed to Morton Dorothy at 217/333-5585.

BOARD GOES TO FIRST NOTICE IN R89-14, GROUNDWATER QUALITY STANDARDS, 35 Ill. Adm. Code 620

On September 29, 1990, the Board adopted the First Notice Opinion and Order in R89-14 Groundwater Quality Standards. The Board proposal emphasizes protection of all potable waters and was designed to be as uncomplicated as possible in an effort to achieve a workable rule in such a new arena of regulations.

The rules include General Provisions (Subpart A, including definitions, incorporations by reference, exclusions), Groundwater Classification (Subpart B, setting up 5 classes including potable groundwater class, general resource class, remedial groundwater class, limited resource class, and special resource class), Groundwater Quality Standards (Subpart C, containing numerical and nondegradation standards), Miscellaneous Procedures and Protocols (Subpart E, including point of compliance), and Preventive Management Procedures and Corrective Action (Subpart E).

The Opinion and Order were adopted by a 7-0 vote, with Board members Joan Anderson, Jacob D. Dumelle and Bill Forcade concurring.

An additional hearing has been set for December 4, 1990, 9:00 a.m., State of Illinois Center, 100 W. Randolph St., Chicago, IL Room 9-040. The deadline for prefiled testimony and exhibits is November 14, 1990. Anyone wishing to testify should contact the hearing officer to schedule time. Questions on this proceeding may be directed to Hearing Officer Michelle C. Dresdow at (815) 753-0947.

Copies of the Opinion and Proposed Rules are available from the Clerk of the Board (312/814-3620).

BOARD PROPOSES SDWA UPDATE (R90-13)

On September 27, 1990, the Board proposed to update the SDWA rules in 35 Ill. Adm. Code 611 to reflect USEPA amendments during the first half of 1990. The only USEPA amendment is the June 19, 1990 corrections to USEPA's June 29, 1989, filtration and disinfection rules. Most of the errors were detected and corrected by the Board during the adoption of R88-26. However, two corrections are proposed in this Docket.

PUBLIC WATER SUPPLIES RESTRICTED STATUS AND CRITICAL REVIEW LISTS

The Illinois Environmental Protection Agency, Division of Public Water Supplies, Permit Section, is publishing copies of the Division's Restricted Status and Critical Review lists in this issue of the Environmental Register. The lists are being published here as part of the quarterly notification to the public. The lists have been slightly modified to reflect changes made since the previous publication.

SDWA RULES FILED (R88-26)

The SDWA public water supply rules adopted in R88-26 were filed with the Administrative Code Division, and became effective September 20, 1990. They will appear in the October 5, 1990 edition of the Illinois Register. The new rules are in 35 Ill. Adm. Code 611.

BOARD PROPOSES SDWA CORRECTIONS (R90-21)

On September 13, 1990, the Board proposed corrections to the SDWA rules adopted in R88-26. The corrections concern analytical methods and incorporation by reference.

Questions on the SDWA program should be directed to Morton Dorothy at 217/333-5575.

BOARD AND STAFF ACTIVITIES

On September 20, 1990 Attorney Assistant Mark Miller attended the Oracle Corporation's Executive Government Day, a seminar on data base management.

On September 19 and 20 Attorney Assistants Elizabeth Harvey, Karen Rosenwinkel and Mark Miller, Legislative Liaison Phil Van Ness, and Staff Attorney Marie Tipsord attended the Illinois Manufacturers' Association Environmental Compliance conference and Exhibition. Chairman John Marlin spoke on September 19, 1990 at this conference.

Board Member Joan Anderson spoke on October 1, 1990 at the Illinois Environmental Regulation Conference held by Executive Enterprises at the Palmer House in Chicago. Mrs. Anderson was part of a panel discussing the interaction of the regulatory agencies in Illinois. Board Member Ron Flemal also attended this conference along with Attorney Assistant Michelle Dresdow and Staff Attorney Elizabeth Handzel. Attorney Assistants Tim Dwyer and Margaret Fliss attended this conference on October 2, 1990.

FINAL ACTIONS SEPTEMBER 27, 1990 BOARD MEETING

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| PCB 89-19 | <u>Daniel Lorden & Helen Lorden v. Sheridan South Condominium Assn., et al.</u> - This matter was dismissed with prejudice on respondents' motion. |
| PCB 89-183 | <u>City of Batavia v. IEPA</u> - The Board denied petitioner's motion for reconsideration of the Board's August 9, 1990 Order in which two conditions were imposed in the variance from the Board's public water supplies regulations concerning petitioner's Kane County facility. Board Member R. Flemal dissented. |
| PCB 89-212 | <u>City of Braidwood v. IEPA</u> - The Board denied petitioner's motion for reconsideration of its June 21, 1990 Opinion and Order denying variance from the Board's water supplies regulations for its Will County facility. Board Member R. Flemal dissented. |
| PCB 90-28 | <u>USS Division of USX Corp. v. IEPA</u> - This matter was dismissed on petitioner's motion. |
| PCB 90-53 | <u>Industrial Fuels & Resources/Illinois, Inc. v. City Council of Harvey</u> - The Board affirmed the decision of the City of Harvey denying site location suitability approval for a new regional pollution control facility in Cook County. Board Members R. Flemal, J. Dumelle and M. Nardulli dissented on the Opinion. Board Member J.T. Meyer concurred on the Opinion. Board Members J.T. Meyer and M. Nardulli dissented on the Order. |
| PCB 90-104 | <u>People of the State of Illinois v. L & B Wood Corp., an Illinois Corp.</u> - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay a civil penalty of \$3,000 concerning its Cook County facility. Board Members J. Theodore Meyer and J. Dumelle dissented. |

- PCB 90-175 Eagle Electronics, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner a 30-day provisional variance from the Board's waste disposal regulations relating to the 90-day limitation on the storage of hazardous wastes at its Cook County facility.
- PCB 90-176 Village of Oswego v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations relating to the biochemical oxygen demand and suspended solids effluent requirements at its Kendall County facility.
- PCB 90-178 International Products and Manufacturing Co. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner a 30-day provisional variance from the Board's waste disposal regulations relating to the 90-day limitation on the storage of hazardous wastes at its Cook County facility.
- AC 90-52 IEPA v. William E. Pontius, et al. - This matter was dismissed on the Agency's motion and the docket closed.
- AC 90-73 IEPA v. Robert E. Spaenhowe - The Board found respondent violated Sections 21(q)(1), 21(q)(3), 21(q)(4) and 21(q)(5) of the Act and imposed a fine of \$2,000.

NEW CASES - SEPTEMBER 27, 1990 BOARD MEETING

- PCB 90-170 Goose Lake Assn. v. Robert J. Drake, Sr., et al. - Complainants allege violations of the Act concerning water pollution at respondent's Grundy County development. Held until October 11, 1990.
- PCB 90-172 Waste Management of Wisconsin, Inc. v. IEPA - Petitioner seeks review of the Agency's denial of its application to transfer the operating permit relating to its purchase of a Winnebago County solid waste transfer station. Hearing authorized.
- PCB 90-173 Earl R. Bradd, Owner of the Bradd Sanitary Landfill v. IEPA - Petitioner seeks review of the Agency's denial of its Affidavit For Certification of Closure concerning its McLean County facility. Hearing authorized.
- PCB 90-174 Watts Disposal Systems, Inc. V. IEPA - Petitioner seeks review of the Agency's denial of its permit application to haul special waste at its Rock Island facility. Hearing authorized.
- PCB 90-175 Eagle Electronics, Inc. v. IEPA - See Final Actions.
- PCB 90-176 Village of Oswego v. IEPA - See Final Actions.
- PCB 90-177 A.K.A. Land, Inc. v. IEPA - Petitioner seeks review of the Agency's determination of a \$100,000 deductible amount for purposes of reimbursement from the Underground Storage Tank Fund concerning its St. Clair County facility. Hearing authorized.
- PCB 90-178 International Products and Manufacturing Co. v. IEPA - See Final Actions.

CALENDAR *

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| October 15
10:00 a.m. | A-E | <u>People of the State of Illinois v. Panhandle Eastern Pipeline Company</u> - PCB 90-152, Douglas County Courthouse, County Board Room, 401 South Center, Tuscola. |
| October 15
1:00 p.m. | P-A | <u>Ideal Roller Company v. EPA</u> - PCB 88-108, Law Office of Arthur Wulf, 100 N. LaSalle St., Suite 1710, Chicago. |
| October 16
10:00 a.m. | UST-FRD | <u>Pulitzer Community Newspaper, Inc. v. EPA</u> - PCB 90-142, State of Illinois Center, 100 W. Randolph St. Suite 11-500, Chicago. |
| October 17
10:00 a.m. | A-E | <u>People of the State of Illinois v. John Boos & Company</u> - PCB 90-160, County Office Building, Third Floor, Effingham County Courthouse, 101 North Fourth, Effingham. |
| October 19
10:00 a.m. | L-S-R | <u>Erwin Hediger et al. v. D & L Landfill, Inc. et al.</u> - PCB 90-163, Main or Small Courtroom, Bond County Courthouse, 200 W. College Avenue, Greenville. |
| October 19 | P-A | <u>Western Illinois Power Cooperative, Inc. v. IEPA</u> - PCB 85-164, Pike County Court House, |

10:00 a.m.		Lower Court Room, Pittsfield.
October 23 10:00 a.m.	A-C	<u>EPA v. Southern Pacific Railroad</u> - AC 90-59, County Board Room, Sangamon County Building, Eight Street and Monroe, Springfield.
October 25		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
October 26 9:30 a.m.	N-E	<u>Darrell Williams v. Shell Oil Company (Wood River Facility)</u> - PCB 90-47, Council Chambers, Wood River City Hall, 111 N. Wood River, Wood River.
October 26 10:00 a.m.	A-C	<u>EPA v. Multi-County Landfill, Inc.</u> - AC 89-288, Douglas County Courthouse, County Board Room, Tuscola.
October 30 10:00 a.m.	N-E	<u>Carl Madoux et al. v. B & M Steel Service Center</u> PCB 90-148, In a Room in The City Hall, 101 East 3rd St., Alton.
October 30 10:00 a.m.	P-A	<u>Marathon Petroleum Company v. EPA</u> - PCB 90-126, IEPA Conference Room, 2200 Churchill Rd., Springfield.
October 31 10:00 a.m.	N-E A-E	<u>Carl Madoux et al. v. Straders Logging and Lumber Mill</u> - PCB 90-149, In a Room in The City Hall, 101 East 3rd St., Alton.
November 1 10:00 a.m.	P-A	<u>Hydraulics, Inc. d/b/a Brake Parts Company v. EPA</u> - PCB 89-88, Litchfield Town Hall, 120 E. Ryder, Litchfield.
November 1 10:00 a.m.	A-E	<u>EPA v. Nesco Steel Barrel Company</u> - PCB 90-37, Granite City Township Building, 2060 Delmar Ave., Granite City.
November 2 9:30 a.m.	A-E	<u>EPA v. Columbia Quarry Company</u> - PCB 90-161, County Board Conference Room, 5th Floor, St. Clair County Building, 10 Public Square, Belleville.
November 8		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 9 10:00 a.m.	A-C	<u>County of St. Clair v. Laidlaw Waste Systems</u> - AC 90-74, County Board Conference Room, 5th Floor, St. Clair County Building, 10 Public Square, Belleville.
November 12 9:30 a.m.	A-V	<u>Olin Chemicals (Joliet Plant) v. EPA</u> - PCB 89-72, Will County Courthouse, 14 W. Jefferson St., Joliet.
November 13 10:00 a.m.	A-C	<u>EPA v. ESG Watts, Inc.</u> - AC 90-47, County Office Building, County Board Room, Third Floor, 1504 Third Avenue, Rock Island.
November 14 10:00 a.m.	A-E	<u>People of the State of Illinois v. Duraco, Inc.</u> - PCB 90-61, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 14 10:00 a.m.	P-A	<u>Envotech-Illinois, Inc. v. IEPA</u> - PCB 90-138, Montgomery County Courthouse, Hillsboro.
November 14 9:30 a.m.	P-A	<u>Stepan Company v. EPA</u> - PCB 90-42, Will County Courthouse, 14 W. Jefferson, Joliet.
November 14 10:00 a.m.	P-A	<u>A.K.A. Land, Inc. v. EPA</u> - PCB 90-177, Belleville City Hall, City Council Chambers, 101 S. Illinois St., Belleville. (Will continue on 16th if needed.)
November 16 10:00 a.m.	A-C	<u>County of Madison v. City of Alton</u> - AC 90-41, Council Chambers, City Hall, 3rd & Alby St., Alton.
November 19 10:00 a.m.	L-E	<u>People of the State of Illinois v. Chicago Heights Refuse Depot, Inc.</u> - PCB 90-112, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 20 10:00 a.m.	A-E	<u>People of the State of Illinois v. Colwell/General, Inc.</u> - PCB 89-180, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

November 21 9:30 a.m.	A-E	<u>People of the State of Illinois v. Westvaco Corporation</u> - PCB 90-127, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
November 21 10:00 a.m.	P-A	<u>Watts Disposal Systems, Inc. v. EPA</u> - PCB 90-174, City Council Chambers, Rock Island City Hall, Third Floor, 1528 Third Avenue, Rock Island.
November 28 9:30 a.m.	P-A	<u>National Steel Corporation (Granite City Division) v. EPA</u> - PCB 90-114, Courthouse, Second Floor, Granite City Hall, 2000 Edison Ave., Granite City.
November 29		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 30 9:30 a.m.	A-C	<u>EPA v. Johnson Blackwell</u> - AC 90-72, Carlyle City Hall, Second Floor, 850 Franklin, Carlyle.
December 4 9:00 a.m.	R	<u>Groundwater Quality Standards (35 Ill. Adm. Code 620)</u> - R89-14, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
December 5 10:00 a.m.	A-V	<u>Monsanto Company v. EPA</u> - PCB 90-44, City Council Chambers, City Hall, 2897 Falling Springs Rd., Sauget.
December 6 10:00 a.m.	A-E	<u>People of the State of Illinois v. Allied-Hastings Barrel and Drum Service, Inc.</u> - PCB 90-60, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 18 10:00 a.m.	A-E	<u>People of the State of Illinois v. Sure-Tan, Inc.</u> - PCB 90-62, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
December 20		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 27 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, In a Room in the City Hall, 101 E. 3rd Street, Alton.
January 8 9:00 a.m.	P-A	<u>Douglas Furniture v. EPA</u> - PCB 90-22, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
January 24 10:00 a.m.	A-E	<u>People of the State of Illinois v. Robert A. Propheter, d/b/a Bob Propheter Construction Company</u> - PCB 90-18, County Board Room, 707 Etna Road, Ottawa.

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

** The Pollution Control Board meetings listed in the calendar (highlighted) are unlike the other hearings listed in that,

while they are open to the public, public participation is generally not allowed, except upon the granting of a motion for oral argument.

CALENDAR CODE:

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