

ENVIRONMENTAL REGISTER

No. 430

June 19, 1991

BOARD PROPOSES RECYCLED PAPER RULE FOR FIRST NOTICE (R90-24)

On June 6, 1991, the Board proposed, for first notice, an amendment to its procedural rules (35 Ill. Adm. Code 101.103). (R90-24.) The amendment, originally proposed to the Board by Business and Professional People for the Public Interest (BPI), would require that all documents filed with the Board by attorneys and organized environmental and trade groups be submitted on recycled paper. (The rule does not apply to individuals filing documents on their own behalf.) In its opinion, the Board noted that the record contains conflicting statements as to the availability and cost of recycled paper. However, the only figures actually supplied to the Board support the conclusion that the increased cost is minimal. The proposed rule would become effective on December 1, 1991. The Board proposed this date to allow time to complete the rulemaking process, and to minimize the inconvenience involved in making the transition to recycled paper. Questions on the proposed rule should be directed to Elizabeth Schroer Harvey at 312/814-6921. The proposed rule will be published shortly in the Illinois Register, thus beginning a 45 day comment period.

BOARD TAKE FURTHER ACTION ON RACT DEFICIENCY RULES (R91-7 AND R91-8)

At a special Board meeting on June 11, 1991, the Board proposed, for second notice, rules correcting Illinois' air pollution rules requiring the implementation of reasonably available control technology (RACT). These rules seek to correct deficiencies identified by the United States Environmental Protection Agency (USEPA) in Illinois's state implementation plan for the Chicago (R91-7) and Metro-East (R91-8) areas. The rules, originally proposed by the Illinois Environmental Protection Agency (Agency), are based on the federal implementation plan (FIP) promulgated by USEPA in June 1990. At the June 11 meeting, the Board granted the Agency's motion to amend its proposals, filed on June 3, 1991. These rules will be submitted to the Joint Committee on Administrative Rules (JCAR) for the 45-day second notice period. Questions on these rulemakings should be directed to Elizabeth Schroer Harvey at 312/814-6921.

JULY 11, 1991 BOARD MEETING - CHANGE OF MEETING ROOM

The July 11, 1991 Board Meeting will be held in the Board's

Conference Room on the 11th Floor of the State of Illinois Center, 100 W. Randolph St., Chicago.

PETITION OF USX CORPORATION FOR HAZARDOUS WASTE DELISTING; DISMISSAL OF R90-18 (Site-Specific Rulemaking), PROPOSED FOR PUBLIC COMMENT IN R91-12 (Identical in Substance Rulemaking)

On June 6, 1991, the Board transferred this proceeding from a site-specific rulemaking docket (R90-18) into an identical in substance rulemaking docket (R91-12). The transfer occurred after the United States Environmental Protection Agency (USEPA) granted an exclusion for USX's chemically stabilized electric arc furnace dust/sludge from the lists of hazardous wastes on April 29, 1991. (56 Fed. Reg. 19579.) The R90-18 docket was dismissed. A full history of this matter is included in the June 6, 1991 Board Orders for both dockets.

The proposed amendment affects 35 Ill. Adm. Code 721. Appendix I. Questions should be directed to Elizabeth Handzel at (312) 814-3473.

LAST OPPORTUNITY TO KEEP YOURSELF ON THE ENVIRONMENTAL REGISTER MAILING LIST

The Board is updating its mailing list to the Environmental Register. If you would like to continue receiving it after July 1, 1991, please fill out the address label provided at the end of this issue and return it as soon as possible. Those who do not return the label will be removed from the mailing list after July 1, 1991. This will be the last time the address label will be included in the ER.

The mailing list is being updated in anticipation of a new method of delivery. The Board is hoping to stop using large envelopes to mail the ER. To mitigate the excess cost and waste created by the use of the envelopes, the Board is developing a self mailing newsletter. The new format will hopefully be published in late July or August.

BOARD AND STAFF ACTIVITIES

On Wednesday, May 22, 1991, Chairman Marlin spoke to the Edison Electric Institute Environment and Energy Committee in Chicago. He discussed steps which the Institute's seventy members could take to improve the

environment. The Committee is comprised of environmental managers from seventy member utility companies.

Board Member Jacob Dumelle attended a reception held by the Young Lawyers Section of the Chicago Bar Association on June 3rd in Chicago. Mr. Dumelle had been a speaker on January 15th to the group.

Aaron S. Davis, former assistant to Mr. Dumelle, received the "Recognition of Excellence" award from the National Center for Environmental Health Strategies on March 28 in Chicago. Mr. Davis, a national expert on indoor pollution and chemical sensitivities, was honored for his 10 years as a leading national advocate for the concerns of environmentally ill people.

FINAL ACTIONS - JUNE 6, 1991 BOARD MEETING

- PCB 90-62 People of the State of Illinois v. Sure-Tan, Inc. an Illinois Corp. The Board construed respondent's motion to reduce penalty as a motion to reconsider its April 11, 1991 order and denied the motion. Board Member J. Theodore concurred.
- PCB 90-151 People of the State of Illinois v. Thomas Steel Corp., an Illinois Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent did not admit alleged violations and agreed to pay a civil penalty of \$5,000 payable to the Environmental Protection Trust Fund concerning its Will County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 90-218 People of the State of Illinois v. A.B. Dick Co., a Delaware Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent denied alleged violations and agreed to pay a civil penalty of \$11,250 payable to the Environmental Protection Trust Fund concerning its Cook County facility. Board Member J.D. Dumelle concurred and Board Member J. Theodore Meyer dissented.
- PCB 90-230 People of the State of Illinois v. F.S. Madison Service Co., an Illinois agricultural cooperative -The Board accepted the Stipulation and Settlement agreement in which respondent neither admitted or denied the alleged violations and agreed to pay a civil penalty of \$55,000 payable to the Environmental Protection Trust Fund concerning its Madison County facility. Board Member J.D. Dumelle concurred and Board Member J. Theodore Meyer dissented.
- PCB 90-231 Frank Whitlock et al v. Montgomery County Board of Supervisors et al. - The Board granted petitioner's motion for reconsideration of its April 11, 1991 Opinion and Order, found it merely restates arguments considered by the Board, and reaffirmed its prior decision.
- PCB 91-5 Marjorie B. Campbell v. IEPA - The Board reversed the \$100,000 deductible determination of the Agency and remanded the matter to the Agency for a determination of whether a deductible of \$10,000 or \$50,000 applies to the petitioner. Board Member B. Forcade concurred.
- PCB 91-20 People of the State of Illinois v. Amoco Petroleum Additives Co., a Delaware Corp. - The Board accepted the Stipulation and Settlement Agreement in which respondent neither admitted nor denied the alleged violations and agreed to pay a civil penalty of \$16,000 payable to the Environmental Protection Trust Fund concerning its Madison County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 91-40 People of the State of Illinois v. Richheimer Food Co., an Illinois Corp., d/b/a Richheimer Coffee Co. The Board accepted the Stipulation and Settlement Agreement in which respondent admitted past violations, agreed to pay a civil penalty of \$2,000 payable to the Environmental Protection Trust Fund and to cease and desist from further violations concerning its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- PCB 91-63 Office Park of Hinsdale, Inc. v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 91-91 Shell Oil Co. 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 limitations for hazardous wastes at its Cook County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-92 Chrysler Corp. 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 limitations for hazardous wastes at its Boone County facility. Board Members J.D. Dumelle and B. Forcade concurred.
- PCB 91-93 DuPage Plating Co. 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 limitations for hazardous wastes at its DuPage County facility. Board Members J.D. Dumelle and B. Forcade concurred.

AC 91-21 Logan County Health Dept. v. Lincoln/Logan Landfill, Inc. - The Board found respondent violated Sections 21(p)(5), 21(p)(11) and 21(p)(12) of the Act and imposed a fine of \$1,500.

NEW CASES - JUNE 6, 1991 BOARD MEETING

PCB 91-88 County of Lake (Vernon Hills Water System) v. IEPA - Petitioner seeks variance extension from the Board's public water supplies regulations relating to Standards for Issuance and Restricted Status concerning combined radium-226 and radium-228 for its Lake County facility. Held for Agency Recommendation.

PCB 91-89 Citizens for Controlled Landfills v. Laidlaw Waste Systems (Belleville), Inc. - Petitioners seek review of approval by the St. Clair County Board for the vertical height expansion of a regional pollution control facility in St. Clair County. Additional information requested. Consolidated with PCB 91-90.

PCB 91-90 The YMCA of Southwest Illinois v. Laidlaw Waste Systems (Belleville), Inc. et al. Petitioner seeks review of approval by the St. Clair County Board for the expansion of a regional pollution control facility in St. Clair County. Accepted for hearing. Consolidated with PCB 91-89.

PCB 91-91 Shell Oil Co. v. IEPA - See Final Actions.

PCB 91-92 Chrysler Corp. v. IEPA - See Final Actions.

PCB 91-93 DuPage Plating Co. v. IEPA - See Final Actions.

CALENDAR

June 21
9:30 a.m. A-E EPA v. Trilla Steel Drum, Inc. - PCB 86-56, Law Office of Joshua Sachs, 134 N. LaSalle St., Chicago.

June 21
10:00 a.m. A-E People of the State of Illinois v. Colwell General, Inc. - PCB 89-180, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

June 21
9:30 a.m. R Utility Industry and Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 810-815 - R90-25 and R90-26, Northeastern Illinois Planning Commission, 400 W. Madison St., Chicago.

June 24
9:30 a.m. A-V General Motors Corp. v. EPA - PCB 88-193, Vermilion County Courthouse, 7 N. Vermilion St., Room 1A, First Floor, Danville.

June 25
10:00 a.m. P-A FIW, Inc. v. EPA - PCB 90-141, Rockford Public Library, 215 N. Wyman, Room A, Lower Level, Rockford.

June 25
11:30 a.m. A-V The Ensign Bickford Company v. EPA - PCB 90-242, Chamber of Commerce Building, 125 W. Davie St., Anna.

June 25
10:00 a.m. W-E People of the State of Illinois v. Sun Age, Inc. - PCB 91-19, Woodford County Courthouse, County Board Room, 115 N. Main St., Eureka.

June 26
10:00 a.m. N-E Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc. - PCB 90-148, Alton City Hall, 101 E. 3rd St., Alton.

June 27
9:30 a.m. P-A D & B Refuse Service, Inc. v. EPA - PCB 89-106, Moltrie County Courthouse, Grand Jury Room, Third Floor, Sullivan.

June 27
10:00 a.m. N-E Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. Straders Logging and Lumber Mill - PCB 90-149, Alton City Hall, 101 E. 3rd St., Alton.

June 27
9:30 a.m. A-E People of the State of Illinois v. G & K Investments, Inc. Gary Cross and Kevin Leesman PCB 90-140, Logan County Courthouse, 601 Broadway, Lincoln.

June 27
10:30 a.m. T-S The Grigoleit Company v. EPA - PCB 90-135, Macon County Building, Room 503, 253 E. Wood St., Decatur.

June 28
10:00 a.m. P-A Natural Gas Pipeline Company of America v. EPA - PCB 87-150, City of Kankakee, Council Chambers, Second Floor, 385 East Oak Street, Kankakee.

June 28 9:30 a.m. L-E EPA and People of the State of Illinois v. Fitz-Mar, Inc. - PCB 86-160, Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.

June 28 11:00 a.m. P-A Laclede Steel v. EPA - PCB 88-115, Madison County Courthouse, Board Room, 155 N. Main St., Edwardsville.

June 28 9:30 a.m. L-E John Daley, et al. v. City of Chicago - PCB 87-132, Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.

June 28 9:30 a.m. A-C EPA v. City of Chicago - AC 88-62, Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.

June 28 9:30 a.m. N-E Franklin D.R. and Ruth Jean Vickers v. Village of Millstadt - PCB 91-42, St. Clair County Building, Board Conference Room, Fifth Floor, 10 Public Square, Belleville.

July 5 10:00 a.m. L-S-R Clean Quality Resources, Inc. v. Marion County Board - PCB 91-72, County Board Room, Marion County Public Service Building, 200 E. Schwartz, Salem.

July 9 10:00 a.m. A-E People of the State of Illinois v. Enamellers and Japanners, Inc. - PCB 91-53, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

July 10 10:00 a.m. W-E Herman W. Prescott v. City of Sycamore - PCB 90-187, DeKalb County Courthouse, Room 206, 133 W. State St., Sycamore.

July 10 10:00 a.m. W-V Zeigler Coal Company v. EPA - PCB 91-12, Randolph County Courthouse, Grand Jury Room, One Taylor St., Chester.

July 11 Pollution Control Board Meeting, State of Illinois Center, Pollution Control Board Conference Room, 11th Floor, Room 512, 100 W. Randolph St., Chicago.

July 11 10:00 a.m. W-E Herman W. Prescott v. City of Sycamore - PCB 90-187, DeKalb County Courthouse, Room 206, 133 W. State St., Sycamore.

July 12 9:30 a.m. A-C EPA v. Bernard Leitschuh - AC 90-91, Montgomery County Courthouse, Courthouse Square, Hillsboro.

July 12 10:00 a.m. P-A Indian Refining Limited Partnership and Indian Refining Company v. EPA - PCB 91-84, Lawrenceville Civic Center, Downstairs Meeting Room, 700 E. State St., Lawrenceville.

July 15 9:30 a.m. A-E People of the State of Illinois v. Thomas Steel Corp. and Blue Tee Corp. - PCB 91-60, Will County Courthouse, 14 W. Jefferson, Joliet.

July 15 10:00 a.m. A-E People of the State of Illinois v. Panhandle Eastern Pipeline Co. - PCB 90-152, Douglas County Courthouse, 1st Floor Boardroom, 401 S. Center, Tuscola.

July 16 10:00 a.m. A-S Petition of Granite City Steel for Adjusted Standard. 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F. Procedures for Determining Water Quality Criteria - AS 90-4, Mayor's Conference Room, City Hall, 2nd Floor, 200 Edison Ave., Granite City.

July 18 10:00 a.m. R Amerock Corporation. Rockford Facility Site Specific Rulemaking Petition for Amendment to 35 Ill. Adm. Code Part 304, Subpart B - R87-33, Winnebago County Courthouse, County Board Room, 8th Floor, 400 W. State St., Rockford.

July 19 10:00 a.m. A-C EPA v. Omer Thomas - AC 89-215, Shelbyville City Hall, Council Chambers, 170 E. Main St., Shelbyville.

July 19 10:00 a.m. N-E Vito Zivoli and Stella Podczerwinski v. Somebody's Bar & Restaurant - PCB 90-200, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

July 19 10:00 a.m. P-A Olin Corporation v. EPA - PCB 91-87, Alton City Hall, 101 E. 3rd St., Alton.

July 22 10:00 a.m. W-V Commonwealth Edison Company v. EPA - PCB 91-29, Will County Courthouse, 14 W. Jefferson St., Fourth Floor, Joliet.

July 22 9:00 a.m. A-C EPA v. ESG Watts, Inc. - AC 90-26, Municipal Building Counsel Chambers, Seventh & Monroe Sts., Springfield.

- July 22 9:00 a.m. A-C EPA v. Ronald Feldman d/b/a Felco Company - AC 91-17, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
- July 23 10:00 a.m. W-V Commonwealth Edison Company v. EPA - PCB 91-29, Will County Courthouse, 14 W. Jefferson St., Fourth Floor, Joliet.
- July 23 10:00 a.m. R Application of California Motor Vehicle Standards in Illinois - R89-17 Docket C, State Capitol Building, Room 122B, Springfield.
- July 23 10:00 a.m. A-V Olin Corporation v. EPA - PCB 91-2, State Office Building, North Half-Mail Conference Room 2309 W. Main St., Marion.
- July 23 10:00 P-A Burlington Northern Railroad Company v. EPA - PCB 91-11, Knox County Courthouse, 110 S. Cherry St., Galesburg.
- July 24 10:00 a.m. W-V Commonwealth Edison Company v. EPA - PCB 91-29, Will County Courthouse, 14 W. Jefferson St., Fourth Floor, Joliet.
- July 24 10:00 a.m. L-S-R Citizens for Controlled Landfills and the YMCA of Southwest Illinois v. Laidlaw Waste Systems, (Belleville) Inc., and the St. Clair County Board - PCB 91-89 and 91-90 (consolidated), City Council Chambers, Belleville City Hall, 101 S. Illinois St., Belleville.
- July 25 10:00 a.m. W-V Commonwealth Edison Company v. EPA - PCB 91-29, Will County Courthouse, 14 W. Jefferson St., Fourth Floor, Joliet.
- July 25 10:00 a.m. N-E David L. Dravis and Margo Dravis v. M&D AG, Jerry McGinn, and Bert Davis - PCB 90-201, Coliseum Building, Second Floor, 212 3rd Avenue., Sterling.
- July 25 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- July 26 10:00 a.m. W-V Commonwealth Edison Company v. EPA - PCB 91-29, Will County Courthouse, 14 W. Jefferson St., Fourth Floor, Joliet.
- August 5 10:00 a.m. N-E Susan A. Curtis and Marcy Diesing v. Material Service Corporation - PCB 91-30,
A-E Crystal Lake City Hall, Council Chambers, 101 W. Municipal Complex, Crystal Lake.
- August 8 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- August 12 9:30 a.m. P-A CWM Chemical Services, Inc. v. IEPA and the People of the State of Illinois - PCB 89-177, Loyola Law School, 1 East Pearson, Room 110, Chicago.
- August 13 9:30 a.m. P-A CWM Chemical Services, Inc. v. IEPA and the People of the State of Illinois - PCB 89-177, Loyola Law School, 1 East Pearson, Room 110, Chicago.
- August 14 9:30 a.m. P-A CWM Chemical Services, Inc. v. IEPA and the People of the State of Illinois - PCB 89-177, Loyola Law School, 1 East Pearson, Room 110, Chicago.
- August 22 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- August 23 9:30 a.m. P-A General Electric Company (Mattoon Lamp Plant) v. EPA - PCB 90-65, Coles County Courthouse, County Board Room, Third Floor, Charleston.
- August 26 10:00 a.m. N-E Ronald E. Tex and Susan D. Tex v. Scott Coggeshall and Coggeshall Construction Company McDonough County Courthouse, Law Library, Third Floor, Macomb.
- August 27 10:00 a.m. A-V DML, Inc. v. EPA - PCB 90-227, Woodford County Courthouse, County Board Room, 115 N. Main St., Eureka.
- August 28 9:30 a.m. SWH-E EPA v. Fred Johnson, Johnson & Briggs Tank Truck Service, a/k/a Johnson & Briggs Tank Truck & Heater Service - PCB 90-89, Edwards County Courthouse, Albion.
- August 29 9:30 a.m. SWH-E EPA v. Fred Johnson, Johnson & Briggs Tank Truck Service, a/k/a Johnson & Briggs Tank Truck & Heater Service - PCB 90-89, Edwards County Courthouse, Albion.
- August 29 UST-FRD Walter J. Maquet and Marlene G. Maquet d/b/a Maquet's 66 Service - PCB 90-136,

- 9:30 a.m. Tazewell County Courthouse, County Board Room, Court Street, Pekin.
- August 30 P-A Safety-Kleen Corporation v. EPA - PCB 91-82, Tazewell County Courthouse, County Board
9:15 a.m. Room, Pekin.
- September 5 P-A Rockford Products Corporation v. EPA - PCB 91-31, Rockford Public Library, Room A, Lower
10:00 a.m. Level, 215 N. Wyman, Rockford.
- September 12 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- September 16 P-A Olin Corporation v. EPA - PCB 89-178, Alton City Hall, 101 E. Third St., Alton.
10:00 a.m.
- September 23 PWS-E Wonder View Improvement Association v. Northern Illinois Utilities, Inc. - PCB 91-48,
10:00 a.m. McHenry City Hall, 1111 N. Green, McHenry.
- September 24 N-E Karl Christ and Helen Christ v. Compost Enterprises, Inc. - PCB 91-50, McHenry City Hall,
10:00 a.m. A-E 1111 N. Green St., McHenry.
- September 26 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- October 10 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- October 24 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 7 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 21 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**

* 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	W-E	WATER ENFORCEMENT
T-S	TRADE SECRETS	WWS	WATER-WELL SETBACK EXCEPTION
W-V	WATER VARIANCE		
UST-FRD	UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION		