

# ENVIRONMENTAL REGISTER

*Illinois Pollution Control Board News*

**No. 470**

**May 19, 1993**

## **GOVERNOR APPOINTS CLAIRE MANNING AS BOARD CHAIRMAN; JOHN MARLIN MOVES TO HWRIC; BILL FORCADE REAPPOINTED TO BOARD**

On April 26, 1993, Governor Edgar appointed Claire A. Manning of Williamsville, to succeed Dr. John C. Marlin as Chairman of the Board, effective May 1, 1993.

Chairman Manning is an attorney specializing in administrative law. Upon her graduation from Loyola University of Chicago School of Law in 1979, she became a labor relations counsel for the state and represented the various executive departments under the Governor's jurisdiction. In 1984 when the Illinois Public Labor Relations Act became effective, she was appointed to membership on the original State Labor Relations Board which was charged with overseeing and implementing that law. She served three gubernatorial terms on the State Labor Board and earned a reputation for fairness, integrity and practical efficiency from the various special interest groups and law firms which practiced before it. Chairman Manning will establish a Pollution Control Board office in Springfield near the capitol complex.

Dr. Marlin has been appointed to the Hazardous Waste Research and Information Center in Champaign, where he will develop pollution prevention programs. An entomologist and environmental activist, Dr. Marlin was appointed to the Board in 1983, and served as Chairman since 1988. Governor Edgar praised Dr. Marlin's service at the Board and stated, "John Marlin has served this administration and the interests of the environmental community well for more than four years as Chairman of the Pollution Control Board."

During Dr. Marlin's tenure, the Board wrote regulations covering solid waste, medical wastes, groundwater pollution, pesticides, scrap tires and diesel exhaust. Notable improvements were made in Board operations, including reduced hearing requirements, procedural efficiencies, and computerized data management.

Governor Edgar also announced that Bill Forcade was reappointed to the Board. Mr. Forcade is a former General Counsel for Citizens for a Better Environment and was formerly a research chemist with Witco Chemical Company.

The Board and staff welcome Chairman Manning to her new duties and congratulate Bill Forcade on his reappointment. The Board and staff thank Dr. Marlin for his collegiality and leadership, and wish him continued success in his new endeavors.

### **INFORMATION SERVICES AVAILABLE FROM THE BOARD**

See the inside of this page for details on informational items available from the Board. These items include a subscription service for Board opinions and orders and copies of the landfill regulations in electronic format.

The Board also maintains an electronic Bulletin Board System (BBS) at 312-814-1590. There is no charge for access to the BBS. See the inside of this page for details.

### **RULEMAKING UPDATE**

#### **BOARD DISMISSES AIRPORT NOISE PROCEEDING, R77-4**

At its meeting of April 22, 1993, the Board dismissed R77-4, *In the Matter of: Public Airport Noise Regulations, 35 Ill. Adm. Code 904*. This was the oldest pending proceeding before the Board.

In February, 1977, then-Attorney General William Scott initiated the proceeding by filing a petition before the Board. The

Board had amassed a record of 45 transcripts of public hearings, 265 exhibits, and a 4-volume economic impact study when it proposed regulations in 1986. On April 10, 1986, the Board proposed rules that would have phased in a 65 Ldn noise standard for emissions to most residential lands over seven years. The proposed rules also provided a variance procedure for airports that could not meet the standards. Three additional public hearings occurred in September and October of 1986, and the Board received hundreds of public comments on the proposed

rules.

AIRPORT NOISE continued on page 3

ENVIRONMENTAL INFORMATION SERVICES  
AVAILABLE FROM THE BOARD

The Board has the following information available:

**POLLUTION CONTROL BOARD ELECTRONIC BULLETIN BOARD SYSTEM (BBS).** The Pollution Control Board operates an electronic BBS at 312-814-1590. The BBS is available 24 hours a day, 7 days a week, to anyone with access to a computer and a modem - there is no charge for access to the BBS. The best communications settings are 8 data bits (or data length 8), no parity (or parity = none) and 1 stop bit, i.e., 8-N-1. The best terminal emulation is ANSI-BBS or just ANSI. The BBS contains Board Agendas, Environmental Registers, Annual Reports, and various documents about the Board. You may download these documents to your computer. For additional information contact Bill Forcade at the Board Offices 312-814-3620.

**SUBSCRIPTION SERVICE OF BOARD OPINIONS AND ORDERS.** The subscription service comprises all the Opinions and Orders issued by the Pollution Control Board in a fiscal year (July 1 through June 30). The Board meets approximately twice monthly in order to issue Opinions and Orders.. Usually no later than the end of each month, a volume is issued containing the Opinions and Orders of the Board from the preceding month.

**HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1992** (July 1, 1991 through June 30, 1992) **ARE AVAILABLE FOR IMMEDIATE DELIVERY.** The cost is \$350.00 per set.

Two formats will be offered starting July 1 of this year (FY93): a hard paper copy for \$350.00 per year and an electronic version for \$275.00 per year. The electronic version will consist of Opinions and Orders in the WordPerfect 5.1 format on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software.

When ordering, please specify the choice of either the hard copy or electronic version. If ordering the electronic version, please specify 3.5" or 5.25" diskettes.

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

Enclosed is a check in the amount of \_\_\_\_\_ made payable to the Illinois Pollution Control Board for the subscription service to the Board's opinions and orders.

Name \_\_\_\_\_ Fiscal Year Ordered \_\_\_\_\_

(FY92 available in hard copy only).

Address \_\_\_\_\_

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Hard Copy Cost per FY: \$350.00      Electronic Copy \_\_\_\_\_

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Joseph D'Alessandro  
Illinois Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, IL 60601

**AIRPORT NOISE continued from page 2**

The Board reluctantly dismissed this proceeding, stating that it believed that case law holds that the state has some remaining authority to regulate airport noise emissions. Nevertheless, the Board determined that dismissal was appropriate. First, the record before it was too old and stale to proceed further. The Board cited the examples of the lack of any mention of a third regional airport anywhere in the record and the lack of any results of "noise footprint" mapping of O'Hare or other airports performed pursuant to 14 CFR 150. Second, the Board noted that it and the Agency lacked the resources to fully pursue the noise problems adequately. Finally, the Board cited the need for uniform statewide zoning and land-use planning near airports as illustrating the fact that it lacks the authority to unilaterally remedy the problem. Only action by the General Assembly could remedy these major aspects of the airport noise problem. In dismissing the proceeding, the Board stated that "leadership in this matter must come from the collective wisdom of state and local officials, as well as the federal regulatory agencies." The Board concluded that it awaits direction as to the role it can play in improving the situation with regard to airport noise. Direct questions to Kathleen M. Crowley, at 312-814-6929. (Please refer to docket R77-4.)

**LANDFILL AMENDMENTS PROPOSED FOR SECOND NOTICE IN RESPONSE TO REMAND, R92-19**

On April 22, 1993, the Board proposed amendments to the landfill rules for Second Notice. The Board initiated this proceeding in response to a remand by the First District Court of Appeals in *Waste Management of Illinois, Inc. v. PCB* (1st Dist. 1992), 231 Ill. App. 3d 278, 595 N.E.2d 1171 (see *Environmental Register* nos. 455 & 459 (July 8 & Oct. 15, 1992)). The court had upheld the majority of the landfill regulations, but held two provisions invalid. One was a provision that required monitoring for a list of toxic air contaminants that did not then yet exist. The other was a provision that stated that any Agency action was not final for the purposes of filing a permit appeal before the Board if the applicant had filed a motion for Agency reconsideration. The proposed rulemaking would delete these two provisions. Direct questions to Deborah Stonich, at 312-814-6926. (Please refer to docket R92-19.)

**NEW SOURCE REVIEW RULES ADOPTED, R92-21**

On April 22, 1993, the Board adopted regulations pertaining to permitting for the construction and operation of major new or modified stationary air pollution sources in Illinois. They govern the permitting process in nonattainment areas of the state (the Chicago metropolitan and the metropolitan East St. Louis areas).

The new rules are the first segment of Illinois' ultimate submittal of a complete State Implementation Plan (SIP) to the U.S. Environmental Protection Agency. Pursuant to Section 182(a) of the Clean Air Act, as amended in 1990, Illinois was to have adopted and submit its plan by November 15, 1992. The

Agency filed its rulemaking proposal on November 13 pursuant to Section 28.5, the Board proposed the rules for First Notice on November 19, and the proposal appeared in the *Illinois Register* on December 11, 1992. See *Environmental Register*, issue 461 (Dec. 2, 1992). On March 11, 1993, the Board proposed the rules for Second Notice. See *Environmental Register*, issue 467 (Mar. 24, 1993).

Thus, the Board concluded this "fast track" rulemaking within 158 days of receiving the Agency proposal. Direct questions to Marie E. Tipsord, at 312-814-4925. (Please refer to docket R92-21.)

**DEADLINE EXTENDED FOR RCRA UPDATE, R93-4**

On April 22, 1993, the Board entered an order that extended the deadline in Resource Conservation and Recovery Act update docket R93-4. At present, this docket includes the federal amendments adopted by USEPA during the period from July 1 through December 31, 1992. The Board found that an extension of time was necessary because the underlying federal regulations contained some unusual complexities that required federal clarifications and because certain overlaps caused a delay in the completion of the prior docket, R92-10. The Board estimated that it will adopt rules based on the federal amendments on or about October 7, 1993. Direct questions to Anne Manley, at 312-814-3473. (Please refer to docket R93-4.)

**BOARD ADOPTS SDWA UPDATE INCLUDING LEAD AND COPPER AND PHASE IIB RULES, R92-3**

On May 5, 1993, the Board adopted the latest SDWA update. This rulemaking, R92-3, includes federal amendments during the period from June 1 through December 31, 1991. This includes the federal Phase IIB amendments, which add maximum contaminant levels (MCLs) for barium, aldicarb, aldicarb sulfone, aldicarb sulfoxide, and pentachlorophenol, and the federal lead and copper rules. The Board had proposed the rules on February 4, 1993. See *Environmental Register* issue 465 (Feb. 24, 1993).

The MCLs for the three aldicarbs are the subject of a federal administrative stay, although the monitoring requirements for these contaminants are not. The Board also stayed the effectiveness of those three MCLs until further rulemaking action.

The lead and copper amendments constitute a new program for regulating lead and copper in drinking water. They immediately impose an obligation for water suppliers to select a pool of consumer taps for monitoring and require the suppliers to obtain samples for testing. If a sufficient number of taps contain lead or copper above a certain level, the rules could then require the suppliers to engage in various remedial actions, including public education, corrosion control treatment, source water treatment, and removal of lead service lines.

Address questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R92-3.)

**SDWA UPDATE PROPOSED, INCLUDING FEDERAL PHASE V RULES, R93-1**

On May 5, 1993, the Board proposed a SDWA update that includes federal amendments made from July 1 through December 31, 1992. The result of these proposed amendments will be to add MCLs and monitoring and notice requirements for five inorganic chemical contaminants (antimony, beryllium, cyanide, nickel, and thallium), three volatile organic chemical contaminants (dichloromethane, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane), and 18 synthetic organic chemical contaminants (benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, and 2,3,7,8-TCDD (dioxin)). As part of this rulemaking, the Board proposes repealing certain older provisions that will apparently apply to no drinking water suppliers in Illinois after June 29, 1993. Also included are a number of minor housekeeping amendments and modifications to laboratory analytical methods.

The Board will accept public comments on the proposal for 45 days after a Notice of Proposed Amendments appears in the *Illinois Register*. Address questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-1.)

**BOARD SOLICITS PUBLIC COMMENTS ON AGENCY REQUEST FOR EMERGENCY RULE TO DELAY DEADLINE FOR STAGE II VAPOR RECOVERY IN METRO-EAST AREA, R93-12**

On May 3, 1993, the Agency filed a motion for emergency rulemaking. The Agency petitioned the Board to adopt an emergency rule that would extend for 150 days the May 1, 1993 compliance deadline for implementation of Stage II vapor recovery systems in the Metro-East area, a moderate ozone nonattainment area consisting of Madison, Monroe and St. Clair counties. The Agency sought to amend 35 Ill. Adm. Code 219.586(d) so that gasoline dispensing facilities located in the Metro-East area which commenced construction after November 1, 1990 have an extension of time until September 28, 1993 in which to install vapor collection and control equipment. The Agency concluded its motion by stating that it "offers whatever support for the emergency rule that the Board may require".

For various reasons, the Board determined that it could not rule on the motion during the May 5, 1993 meeting. The Board instead solicited additional information and comments from the Agency, the Attorney General, the United States Environmental Protection Agency (USEPA), and other interested persons. The Board will consider any information and comments received on or before May 17, 1993. The Board anticipated ruling on this motion at its May 20, 1993 meeting. For additional information contact Michelle C. Dresdow, at (815) 753-0947. (Please refer to docket R93-12.)

**APPELLATE UPDATE**

**THE AGENCY MUST FOLLOW THE BOARD'S REMAND MANDATES IN PERMIT APPEALS; THE BOARD IS DIRECTED TO ASSESS ATTORNEYS' FEES AGAINST THE AGENCY; A MOTION FOR REHEARING IS NOT NECESSARY TO PERFECT APPEAL FROM A BOARD ORDER**

In a May 6, 1993 opinion, the Fifth District Appellate Court reversed in part and affirmed in part the Board's order of December 6, 1991 in *Grigoleit Co. v. IEPA*, PCB 89-184. The appellate court first determined that it had jurisdiction and that the Grigoleit Company did not need to file for reconsideration before filing an appeal before the court. The court affirmed all aspects of the Board's order that the Agency must issue a permit, except to the extent the Board denied an award of attorneys' fees against the Agency.

In this air permit appeal, the Agency had denied the Grigoleit Company's request for renewal of an operating permit, citing three reasons. By an order dated November 29, 1990, the Board determined that two of the reasons were not proper and remanded the case to the Agency for further consideration of the third reason for denial. The Agency did not appeal the Board's order.

On remand, the Agency requested additional information. Grigoleit responded by submitting the requested information within the scope of the Board's remand, but it declined to submit other information. The Agency again denied the permit renewal, and Grigoleit appealed to the Board.

On June 20, 1990, the Board reversed the Agency again and remanded to the Agency "for the sole purpose of eliciting the information" on the remanded ground. The Agency again did not appeal the Board's order, but requested information from Grigoleit that was outside the scope of the remand. Subsequently the Agency denied the permit for reasons within the scope of the remand and for additional reasons never before asserted.

Grigoleit filed a motion for sanctions against the Agency for not complying with the Board's mandates and for causing unnecessary delay and expense. On December 6, 1993, the Board granted the motion for sanctions by directing the Agency to issue the permit. Grigoleit appealed the Board's denial of attorneys' fees.

On appeal to the Fourth District, the Agency asserted that the court lacked jurisdiction because Grigoleit did not file for reconsideration by the Board before filing an appeal. The court noted that its prior decisions regarding the decisions of other administrative agencies had stated that a motion for reconsideration was not necessary to render the agency's decision final for the purposes of appeal. The court distinguished the case of *Castenada v. Illinois Human Rights Commission* (1989), 132 Ill. 2d 304, 547 N.E.2d 437, as involving motions for reconsideration of the decision of a three-member panel

before the whole of the Commission. Citing *In re Strube v. PCB* (3d Dist. Mar. 15, 1993) (see *Environmental Register* issue 468 (Apr. 7, 1993)), the court determined that *Castenada* had no binding effect with respect to decisions of the Board, which are made by the Board as a whole.

The court described as unsupported in law and as "untenable" the position maintained by the Agency that the "duties placed upon it [by Section 39 of the Act] and the discretion it has in conditioning permits [citation omitted] remain after its decision in regard to a permit application has been reversed by the Board and the cause remanded to it with directions to issue the requested permit." The Fourth District disagreed and stated that the Agency lacks the discretion to do anything but follow the Board's mandate on appeal if it chooses not to appeal the Board's order.

Finally, the court reversed the Board solely on the issue of sanctions. The court held that the Board had properly denied the request for dismissal of a separate enforcement action filed by the Agency against Grigoleit.

The court stated:

While we recognize the great discretion granted the Board in ruling upon sanctions, we are compelled to conclude that granting Grigoleit a renewal permit which it was apparently entitled to anyway, was, as a matter of law, an insufficient sanction for the Agency's unnecessary stubborn defiance of the Board.

The court remanded the case to the Board for the determination and imposition of the fees. Judge Cook concurred, and Presiding Judge Steigmann concurred specially in a separate opinion.

**FOR YOUR INFORMATION**

**BOARD MEMBER SPEAKS AT CONFERENCES**

Board Member Joan G. Anderson spoke at the annual conference of the Illinois Association of Water Pollution Control Operators on April 21, 1993. She summarized the Board's present regulatory and contested case activities, and gave her perspective as to what environmental activities may be expected in the near future. Board Member Anderson also attended a weekend conference on May 1 and 2, 1993 entitled "Cooperative Protection of Groundwater in the Great Lakes Basin Region"; it was funded by the W.K. Kellogg Foundation.

**BOARD MEMBER AND STAFF PARTICIPATE IN ISBA SEMINAR**

One Board member and various members of the Board's present and past Board attorney staff participated in an Illinois State Bar Association seminar on May 12, 1993. The seminar entitled "Practice Before the Illinois Pollution Control Board" was coordinated by the Board as part of a special out-reach to downstate practitioners. Board member Ronald C. Flemal moderated. Present Board attorneys Kathleen M. Crowley, Michelle C. Dresdow, Elizabeth Schroer Harvey, Deborah L. Frank, Marie E. Tipsord, and Phillip R. Van Ness, and former Board attorneys Michael J. Maher, presently of McKenna, Storer, Rowe, White & Farrug, Chicago, and Mark P. Miller, presently of Tock & Miller, P.C., Champaign presented talks on various aspects of environmental law and practice before the Board. The program was held in Springfield.

**RESTRICTED STATUS AND CRITICAL REVIEW LISTS FOR SEWAGE TREATMENT IN THIS ISSUE**

The Illinois Environmental Protection Agency, Division of Water Pollution Control, is publishing copies of the Division's Restricted Status and Critical Review lists at the end of this issue of the *Environmental Register*. These lists reflect the status as of March 31, 1993.

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**FINAL ACTIONS - April 22, 1993 BOARD MEETING**

91-52 Atwood Industries v. EPA - The Board granted Petitioner's motion to dismiss this RCRA permit appeal involving a Jo Daviess County facility.

92-15 Mercantile Bank of St. Louis, N.A., Personal

Representative of the Estate of Ann Gudder v. EPA - The Board granted a joint stipulation and ordered the Agency to reimburse the petitioner \$6,500.00 for corrective action costs in this underground storage tank reimbursement

	determination appeal involving a Williamson County facility.	93-42	<u>People of the State of Illinois v. Robert Y. Jordan and Priscilla W. Jordan</u> - The Board accepted a stipulation and settlement agreement, imposed a fine of \$6,000.00, and ordered the respondent to cease and desist from all further violations in this RCRA enforcement action involving a Cook County facility.
92-86	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ullus Gudder v. EPA</u> - The Board granted a joint stipulation and ordered the Agency to reimburse the petitioner \$27,718.00 for corrective action costs in this underground storage tank reimbursement determination appeal involving a Effingham County facility.	93-48	<u>People of the State of Illinois v. Northwestern Steel &amp; Wire Company</u> - The Board accepted the stipulation and settlement agreement, imposed a penalty \$30,000.00, and ordered the respondent to cease and desist from further violations in this water pollution enforcement action involving a Whiteside County facility.
92-124	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ullus Gudder v. EPA</u> - The Board granted a joint stipulation and dismissed this underground storage tank reimbursement determination appeal involving a St. Clair County facility.	93-50	<u>People of the State of Illinois v. Tri-State Metal Company</u> - The Board accepted the stipulation and settlement agreement, imposed a penalty \$10,000.00, and ordered the respondent to cease and desist from further violations in this air enforcement action involving a Cook County facility.
92-125	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - The Board granted a joint stipulation and dismissed this underground storage tank reimbursement determination appeal involving a Vermillion County facility.	93-69	<u>LeeWards Creative Crafts, Inc. (Elgin Facility) v. EPA</u> - The Board dismissed as not yet ripe for review this underground storage tank reimbursement determination appeal involving a Kane County facility.
92-155	<u>Continental White Cap, Inc. v. EPA</u> - The Board granted the petitioner a variance for its Cook County facility from various of the air pollution control regulations.	AC 92-62	<u>EPA v. Bill Hammond</u> - The Board found that the respondent had violated Sections 21(p)(1) and 21(p)(3) at his Fulton County land and imposed a penalty of \$1,000.00.
92-202	<u>Veach Oil Company and Lake of Egypt Water District v. EPA</u> - The Board denied the petitioner a variance for its Williamson County facility from the restricted status provisions of the public water supply regulations.	R77-4	<u>In the Matter of: Public Airport Noise Regulations, 35 Ill. Adm. Code Part 904</u> - See <i>Rulemaking Update</i> .
93-4	<u>Olin Corporation</u> - The Board granted the joint motion to dismiss this RCRA permit appeal involving a Williamson County facility.	R92-21	<u>In the Matter of: Amendments to the New Source Review Rules 35 Ill. Adm. Code 203, Adopted Rule, Final Order, Opinion and Order</u> - See <i>Rulemaking Update</i> .
93-41	<u>Village of Bellwood v. EPA</u> - The Board granted the Cook County petitioner a variance from the restricted status provisions of the public water supplies regulations.		

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**NEW CASES - April 22, 1993 BOARD MEETING**

93-65	<u>Albert Warner v. Warner Brothers Trucking and Urbana-Champaign Sanitary District</u> - The Board set this citizens' land enforcement action involving a Champaign County facility for hearing.	93-69	<u>Leewards Creative Crafts, Inc. (Elgin Facility) v. EPA</u> - See <i>Final Actions</i>
		93-70	<u>Joliet Park District v. EPA</u> - The Board accepted this underground storage tank reimbursement

	determination appeal involving a Will County facility for hearing.	93-74	<u>M.S. Carver Lumber Company v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a Peoria County facility for hearing.
93-71	<u>Indian Refining Company v. EPA</u> - The Board accepted this RCRA permit appeal involving a Lawrence County facility for hearing.		
		93-75	<u>Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc.</u> - The Board held this citizens' air enforcement action involving a Champaign County facility for a duplicitous or frivolous determination.
93-72	<u>Atlanta Meadows, Ltd. and R.O.C. Properties, Inc., General Partner v. EPA</u> - The Board that the petitioner submit additional information in this water pollution control variance proceeding involving a Rock Island County facility.		
		93-76	<u>Nicor National Illinois, Inc. v. EPA</u> - The Board accepted this RCRA permit appeal involving a Madison County facility for hearing.
93-73	<u>J &amp; M Plating, Inc. v. EPA</u> - The Board accepted this RCRA permit appeal involving a Winnebago County facility for hearing.		

### **FINAL ACTIONS - May 5, 1993 BOARD MEETING**

89-171	<u>Pekin Energy Company v. EPA</u> - The Board granted voluntary dismissal of this water pollution control permit appeal involving a Peoria County and Tazewell County facility.	93-81	<u>Scott Air Force Base v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 30-day extension to the 90-day limit on accumulation of hazardous waste at its St. Clair County facility.
92-126	<u>Safety-Kleen Corporation v. EPA</u> - The Board granted voluntary dismissal of this RCRA permit appeal involving a Cook County facility.	93-82	<u>Vulcan Materials Company (Joliet Quarry #340) v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a provisional variance for its Will County facility from certain of the water pollution control regulations.
92-197	<u>E &amp; D Trucking v. EPA</u> - The Board granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving a Rock Island County facility.		
93-8	<u>Princeton/Beck Oil Company v. EPA</u> - The Board affirmed the Agency's determination that \$1,780.00 was not reimbursable and remanded this underground storage tank reimbursement determination appeal involving a Bureau County facility to the Agency for disbursement of \$8,015.00.	R92-3	<u>In the Matter of: Safe Drinking Water Act Update, Phase IIB and Lead and Copper Rules (June 1, 1991 through December 31, 1991), Adopted Rule, Final Order, Opinion and Order</u> - See <i>Regulatory Update</i> .
		R93-1	<u>In the Matter of: Safe Drinking Water Act Update, Phase V Rules (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order</u> - See <i>Regulatory Update</i> .

### **NEW CASES - May 5, 1993 BOARD MEETING**

93-72	<u>Atlanta Meadows, Ltd. and R.O.C. Properties, Inc., General Partner v. EPA</u> - The Board ordered the petitioner to submit additional information in its water pollution control variance petition involving a Rock Island County facility.	93-75	<u>Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc.</u> - The Board held this citizens' air enforcement action involving a Champaign County facility for a
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	frivolous and duplicitous determination.		underground storage tank reimbursement determination appeal involving a Cook County facility for hearing.
93-77	<u>Highland Park School District #108 v. EPA</u> - The Board set this underground storage tank reimbursement determination appeal involving a Lake County facility for hearing.	93-80	<u>Indian Prairie Community Unit School District #204 v. EPA</u> - The Board set this underground storage tank reimbursement determination appeal involving a DuPage County facility for hearing.
93-78	<u>Gauger Motor Sales &amp; Service v. EPA</u> - The Board set this underground storage tank reimbursement determination appeal involving a Tazewell County facility for hearing.	93-81	<u>Scott Air Force Base v. EPA</u> - <i>See Final Actions.</i>
93-79	<u>Pace Suburban Bus Division of RTA (Harvey) v. EPA</u> - The Board set this	93-82	<u>Vulcan Materials Company (Joliet Quarry #340) v. EPA</u> - <i>See Final Actions.</i>
		R93-12	<u>In the Matter of: Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d)</u> - <i>See Rulemaking Update.</i>

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**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 20  
10:30 a.m.**

**Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St.,  
Conference Room 9-040, Chicago.**



May 20 10:00 a.m.	PCB 92-172 A-V	<u>Olin Corporation (Winchester Division) v. EPA</u> - Alton City Council Chambers, Room 104, 101 E. 3rd St., Alton.
May 21 1:30 p.m.	PCB 93-57 UST-E	<u>People of the State of Illinois v. Ayers Oil Co.</u> - County of Sangamon Municipal Building, 7th and Monroe Streets, Springfield.
May 25 9:30 a.m.	R93-11 R, Air	<u>In the Matter of: Smaller Source Permit Rules: Amendments to 35 Ill. Adm. Code Part 201,</u> James R. Thompson Center, Room 9-031, 100 W. Randolph St., Chicago.
May 26 11:00 a.m.	R93-11 R, Air	<u>In the Matter of: Smaller Source Permit Rules: Amendments to 35 Ill. Adm. Code Part 201,</u> DeKalb Municipal Building, 200 S. 4th St., DeKalb.
June 1 1:00 p.m.	PCB 93-59 UST-E	<u>People of the State of Illinois v. Freedom Oil Company</u> - Municipal Building, Room 203, Seventh and Monroe Streets, Springfield.
<b>June 3 10:30 a.m.</b>		<b>Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 4 10:00 a.m.	R93-9 R, Air	<u>In the Matter of: Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218, and 219</u> - James R. Thompson Center, Room 9-040, 100 W. Randolph, Chicago.
June 9 11:00 a.m.	PCB 93-70 UST-FRD	<u>Joliet Park District v. EPA</u> - Joliet City Hall, East Wing, 150 West Jefferson Street, Joliet.
June 10 2:30 p.m.	PCB 92-215 N-E	<u>Douglas Locke and Nancy Locke v. Biltmore Country Club</u> - Law Office of Arthur Wulf, 100 North LaSalle Street, Suite 1710, Chicago.
June 10 10:00 a.m.	PCB 93-1 P-A	<u>Pekin Metro Landfill v. EPA</u> - Pekin City Hall, Council Chambers, 400 Margaret Street, Pekin.
June 10 2:00 p.m.	PCB 93-10 P-A	<u>Pekin Metro Landfill v. EPA</u> - Pekin City Hall, Council Chambers, 400 Margaret Street, Pekin.
June 11 10:00 a.m.	PCB 92-212 P-A	<u>Pekin Metro Landfill v. EPA</u> - Pekin City Hall, Council Chambers, 400 Margaret Street, Pekin.
June 14 10:00 a.m.	PCB 93-15 N-E	<u>Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine</u> - Rockford Public Library, Conference Room A, 215 North Wyman, Rockford.
June 14 10:00 a.m.	PCB 93-66 UST-FRD	<u>Illico Independent Oil Company (Salem Facility) v. EPA</u> - Public Service Building, 200 East Schwartz Street, Salem.

June 15 1:00 p.m.	PCB 93-56 UST-E	<u>People of the State of Illinois v. World Color Press, Inc.</u> - Sangamon County Court Complex, Board Chambers, Room 201, 200 South 9th Street, Springfield.
June 16 9:30 a.m.	PCB 92-72 UST-FRD	<u>Adams Electrical Cooperative v. EPA</u> - Quincy City Hall, Council Chambers, 730 Main Street, Quincy.
<b>June 17 10:30 a.m.</b>		<b>Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 17 10:00 a.m.	PCB 93-60 P-A, Land	<u>Industrial Salvage, Inc. and John Prior v. EPA (Consolidated with PCB 93-61)</u> - Centralia City Hall, 222 South Poplar, Centralia.
June 18 10:00 a.m.	PCB 93-60 P-A, Land	<u>Industrial Salvage, Inc. and John Prior v. EPA (Consolidated with PCB 93-61)</u> - Centralia City Hall, 222 South Poplar, Centralia.
June 18 9:30 a.m.	PCB 93-74 UST-FRD	<u>M.S. Carver Lumber Company v. EPA</u> - ESE, Inc. 8901 North Industrial Road, Peoria.
June 18 10:00 a.m.	R93-9 R, Air	<u>In the Matter of: Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218, and 219</u> - James R. Thompson Center, Room 9-031, 100 W. Randolph, Chicago.
June 21 10:00 a.m.	PCB 92-211 P-A, RCRA	<u>Safety-Kleen Corporation (Urbana Facility) v. EPA</u> - University of Illinois, Levis Faculty Center, Room 401, 919 West Illinois Street, Urbana.
June 22 9:30 a.m.	R92-17 R, Water	<u>In the Matter of: Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between LaGrange Lock and Dam (Mile 90.2) and Lockport Lock (Mile 291)</u> - Peoria Public Library, 107 N.E. Monroe, Peoria.
June 23 11:00 a.m.	R92-17 R, Water	<u>In the Matter of: Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between LaGrange Lock and Dam (Mile 90.2) and Lockport Lock (Mile 291)</u> - Grundy County Administrative Center, 1320 Union St., Morris.
June 29 9:00 a.m.	PCB 93-65 L-E	<u>Albert Warner v. Warner Bros. Trucking and Urbana-Champaign Sanitary District</u> - Champaign City Building, City Council Chambers, First Floor, 102 North Neil Street, Champaign.
June 30 10:00 a.m.	AS 92-14 Air	<u>Quantum Chemical Corporation, USI Division, Petition for Adjusted Standard from 35 Ill. Adm. Code 218</u> - Grundy County Courthouse, Old Courtroom, First Floor, 111 East Washington Street, Morris.
June 30 1:00 p.m.	PCB 93-43 N-E	<u>Leonard Wolst v. Pepperidge Farm, Inc.</u> - James T. Keating Law Office, Suite 1220, 542 South Dearborn Street, Chicago.

July 1 9:00 a.m.	PCB 93-45 P-A	<u>St. Louis Auto Shredding v. EPA (Consolidated with PCB 93-46)</u> - St. Clair County Board Office, Room B564, 10 Public Square, Belleville.
July 14 10:00 a.m.	PCB 90-24 P-A	<u>Rock-Ola Manufacturing Corporation v. EPA</u> - James R. Thompson Center, Suite 11-500, 100 W. Randolph, Chicago.
July 14 10:00 a.m.	PCB 92-166 P-A, NPDES	<u>Marathon Oil Company (Robinson Refinery) v. EPA</u> - Robinson Public Library, Meeting Room, 606 North Jefferson, Robinson.
July 16 1:30 p.m.	PCB 92-84 A-E	<u>People of the State of Illinois v. Berkshire Furniture Co., Inc. d/b/a Fashion Bed Group and formerly known as Allegheny Steel &amp; Brass Corporation</u> - James R. Thompson Center, Suite 11-500, 100 W. Randolph St., Chicago.
August 19 1:30 p.m.	PCB 91-175 P-A, Air	<u>Ball Corporation, Ball Metal Decorating &amp; Service Division (Consolidated with PCB 91-258, PCB 92-150 and PCB 93-33)</u> - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.
August 26 10:00 a.m.	AS 91-12 PWS	<u>In the Matter of: Petition of the 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.
October 8 9:00 a.m.	PCB 92-161 P-A, NPDES	<u>National Steel Corporation, Granite City Steel Division v. EPA</u> - Madison County Administration Building, Room 208, 157 North Main Street, Edwardsville.

**Calendar Codes**

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		

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
DIVISION OF WATER POLLUTION CONTROL  
RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of March 31, 1993.

Facility names followed by an asterisk (\*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (\*\*) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Beecher STP	Village of Beecher	Will	0
Bourbonnais (Belle Aire Subd.)	Consumers Illinois Water	Kankakee	0
Cambridge STP	Village of Cambridge	Henry	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Carmi*	City of Carmi	White	0
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
DeKalb-NW 8" Submain	City of DeKalb	DeKalb	0
DuPage Utility Co.	DuPage Utility Co.	DuPage	0
Elmwood	City of Elmwood	Peoria	0
Farmington**	City of Farmington	Fulton	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Villa	City of Lake Villa	Lake	0
Lake Zurich (NW) STP	Village Of Lake Zurich	Lake	0
Lake Zurich (SE) STP	Village of Lake Zurich	Lake	0
Lewistown-South Interceptor	City of Lewistown	Fulton	0
Oak Highlands S.D.*	Oak Highlands S.D.	Will	0
Oglesby (Sewer System - Partial Per PCB Order)	City of Oglesby	LaSalle	0
Riverton (Sewer System-Partial)	Village of Riverton	Sangamon	0
Shorewood STP	Village of Shorewood	Will	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Virден (Sewer System-Partial)	Virден S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report: Crest Hill-West STP, Sandwich (Center Street), Streator STP

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 DIVISION OF WATER POLLUTION CONTROL  
 CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of March 31, 1993.

Facility names followed by a double asterisk are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Antioch	Village of Antioch 0	Lake 48	0	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Braidwood STP	City of Braidwood	Will	0	1,103
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester		121	48
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Derby Meadows Utility Co. STP	Derby Meadows Utility Co.	Will	70	0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	9,561	146
DPCDEC Knollwood	DPCDEC	DuPage	647	91
Earlville	City of Earlville	LaSalle	297	0
East Dundee STP	Village of E. Dundee	Kane	1,791	60
Elkville	Village of Elkville	Jackson	9	0
Elmhurst	City of Elmhurst	DuPage	0	49
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	118	0
Herrin	City of Herrin	Williamson	***	0
Herscher	Village of Herscher	Kankakee	8	0
Hoopeston	City of Hoopeston'	Vermilion	22	0
Kildeer-Bishop-Ridge STP	Village of Kildeer	Lake	40	0
CLPWD-DeerfieldRd. Interceptor	0	County of Lake Public Works		Lake ***
	Department			
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	0
Milan	Village of Milan	Rock Island	1,415	0
Moline (North Slope)	City of Moline	Rock Island	1,200	0
O'Fallon	City of O'Fallon	St. Clair	1,380	28
Orangeville	Village of Orangeville	Stephenson	63	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	5,100	0
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0

Deletetions from previous quarterly report: Addison (South)

\*\*\*Contact IEPA - Permit Section

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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.

Illinois Pollution Control Board  
James R. Thompson Center, 11-500  
100 West Randolph Street  
Chicago, Illinois 60601  
(312) 814-3620

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