

# ENVIRONMENTAL REGISTER

## Illinois Pollution Control Board News

No. 454

July, 1992

### HOW PROPOSED BUDGET CUTS WILL IMPACT POLLUTION CONTROL BOARD DOCKET

The Board, like other state agencies, has been hard hit by multiple proposed budget cuts. Because of its small size, these proposed cuts have a disproportionate effect. The Administration's tight budget included a 17% General Revenue Fund (GRF) reduction. On top of that, the legislature has proposed an additional 21.5% GRF cut. If no new revenues are identified, the anticipated negative impacts of the legislative cuts on the State's environmental program in FY 93 are as follows:

\*Only about half of all time-deadline contested cases will be handled. Based on historical data, this may mean that:

- Thirty or more Underground Storage Tank (UST) Fund reimbursement decisions rendered by the IEPA will be effectively overturned by default. **The Board estimates that the loss to the State's UST Fund may exceed \$1,500,000 annually.**
- Four or more Landfill Siting Appeals (SB172) decisions made by local governments will be overturned by default. Generally, this means automatic approval of a siting request, irrespective of the local government's decision.
- Six or more variances will be granted by default. This means automatic approval of a variance irrespective of

the IEPA's recommendation or the merits of the petition.

- Eight or more IEPA permit decisions (denials or conditions) will be overturned by default, again without regards to the merits of the petition.

\*Virtually no funds will remain for enforcement case hearings such as citizen enforcement cases, Attorney General enforcement and administrative citation (AC) appeal hearings. **The Board estimates that monetary penalties not levied due to lack of funds for hearings may exceed \$325,000.** This also effectively frustrates citizen enforcement efforts. Note that these cases will simply become next year's backlog.

\*No funds will remain for site-specific and adjusted standard rulemaking cases without deadlines. This means that industries and municipalities will receive no relief from general environmental regulations, irrespective of the merits of their claims, at least until next year.

On the positive side, the Board projects that despite the proposed cuts it will address all Federal rules for Clean Air Act and Safe Drinking Water Act compliance as well as other deadline-driven rules where federal highway dollars are at risk. The Board will also address other legally mandated rules with deadlines for Board action.

### RULEMAKING UPDATE

#### DEADLINE EXTENDED IN SDWA UPDATE, R91-3

On June 23, 1992, the Board entered an order in the Safe Drinking Water Act (SDWA) update that embraces USEPA regulations adopted during the period from January 1 through June 30, 1991. Basically, USEPA adopted the "Phase II" and certain microbiological rules during this time-frame. The Board adopted a proposal for public comment on March 11, 1992. The Board's order effectively extends the deadline for final Board action in this matter until October 1, 1992. The reasons stated for the delay in adoption of a final rule are unusual difficulties in adapting the federal rules to the Illinois format, the numerous public comments received, and the delay in receiving answers to several questions addressed to USEPA. Questions should be directed to Michael J. McCambridge at 312-814-6924.

#### DEADLINE EXTENDED IN RCRA UPDATE, R92-1

On June 23, 1992, the Board entered an order in the Resource Conservation and Recovery Act (RCRA) update that embraces USEPA regulations adopted during the period from July 1 through December 31, 1991. Basically, USEPA adopted changes to the groundwater monitoring requirements for interim status facilities. The docket includes Board-initiated revisions to the corrosivity characteristic test used for hazardous waste

determinations. The Board adopted a proposal for public comment on May 7, 1992. The Board's order effectively extends the deadline for final Board action in this matter until September 3, 1992. The reasons stated for the delay in adoption of a final rule are the unusual size of the dockets in R91-3, the presently pending SDWA update, and R91-13, the recently-adopted, previous RCRA update, and the numerous corrections ultimately effected to R91-3. Questions should be directed to Morton Dorothy at 217-333-5575.

### FOR YOUR INFORMATION

#### ANNUAL LIST OF ADJUSTED STANDARDS

This issue contains a listing of all final actions taken on petitions for adjusted standards during the 1992 fiscal year, July 1, 1991 through June 30, 1992.

#### UPDATE TO ENVIRONMENTAL REGISTER MAILING LIST

The Board is updating the mailing list for the Environmental Register. This is the second annual update of the mailing list for the mailings of the Register. The Board desires to minimize the impact of these mailings on our budget by assuring that only those who desire to receive regular free copies of the Register will appear on the list. If you would like to continue to receive it after July 1, 1992, please fill out the address label located on the

next to last page of this issue and return it to the Board as soon as possible.

**BOARD AND STAFF ACTIVITIES**

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**FINAL ACTIONS - JUNE 4, 1992 BOARD MEETING**

PCB 88-193 General Motors Corp. v. IEPA - The Board granted General Motors variance from the air regulations with conditions for GM's Vermilion County facility.

PCB 91-83 Village of Lincolnwood v. IEPA - The Board dismissed the petition as not prematurely filed as to the Agency's deductible determination and granted summary judgment in favor of the Agency in this underground storage tank reimbursement determination appeal, upholding the Agency's determination that costs of corrective action associated with the four abandoned USTs are not eligible for reimbursement.

PCB 91-260 Capital Asset Corporation & Industrial Investors Limited Partnership v. IEPA - The Board granted Capital Assets' motion to dismiss this underground storage tank reimbursement determination appeal.

PCB 92-22 Warren's Service v. IEPA - The Board affirmed the Agency's January 23, 1992 determination that the costs of petitioner, Warren's Service, for replacement of concrete is not a reimbursable expense for its Mercer County facility in this underground storage tank reimbursement determination appeal.

PCB 92-25 Land & Lakes Co., JMC Operations, Inc., & NBD Trust Co. of Illinois as Trustee under trust no. 2624EG v. Village of Romeoville and County of Will, Intervenor - The Board concluded that the decision of the Village of Romeoville finding that Land and Lakes did not meet its burden of establishing need is not against the manifest weight of evidence and affirmed the Village's denial of siting in this regional pollution control facility siting appeal. Board Member J.T. Meyer concurred. Board Member J.

Anderson dissented.

PCB 92-30 Dynamic Hydra-Blasting, Inc v. IEPA - The Board granted Dynamic Hydra Blasting's motion to dismiss this underground storage tank reimbursement determination appeal.

PCB 92-40 Waste Hauling, Inc. v. IEPA - The Board granted Waste Hauling's motion to dismiss this land permit appeal.

PCB 92-51 People of the State of Illinois v. United Coatings, Inc. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to past violations of the Act and air pollution regulations, agreed to pay a sum of \$4,000 to the Illinois Environmental Protection Trust Fund, and agreed to cease and desist from further violations concerning its Kankakee County facility. Board Member J.T. Meyer dissented.

PCB 92-82 Lawrence Brothers, Inc. v. IEPA - The Board granted a 30-day provisional variance from the 90-day limit to accumulation time in the hazardous waste regulations for Lawrence Brothers' Whiteside County facility.

PCB 92-85 LTV Steel Company v. IEPA - The Board granted a 45-day provisional variance, with conditions, from the Board's water regulations that will allow its Putnam County facility to treat its water intakes against zebra mussels.

R92-2 UST Update. USEPA Regulations (7-1-91 through 12-31-91) - See Rulemaking Update.

**NEW CASES - JUNE 4, 1992 BOARD MEETING**

PCB 92-74 Kenneth F. Metivier & Cynthia Metivier v. Douglas Kenyon d/b/a Douglas Kenyon, Inc. - The Board denied Kenyon's motion to dismiss and set this citizens' noise enforcement action for hearing.

PCB 92-78 Amoco Chemical Company, Amoco Petroleum Additives Company Wood River, Illinois v. IEPA - The Board accepted for hearing Amoco's petition for an air variance for its Madison County facility.

PCB 92-79 U.S. Department of Energy & The University of Chicago - The Board accepted the U.S. Department of Energy & The University of Chicago's land permit appeal for hearing for their DuPage County facility.

PCB 92-81 James Lynch v. IEPA - The Board ordered that because James Lynch's petition for review of this Agency underground storage tank reimbursement determination was deficient in that it lacked pertinent information, unless an amended petition is filed within 45 days, the

matter will be subject to dismissal.

PCB 92-82 Lawrence Brothers, Inc. v. IEPA - See Final Actions.

PCB 92-83 Harlem Township v. IEPA - The Board accepted Harlem Township's underground storage tank reimbursement determination appeal for hearing.

PCB 92-84 People of the State of Illinois v. Berkshire Furniture Company, d/b/a Fasion Bed Group and formerly known as Allegheny Steel and Brass Corporation - A hearing is mandatory in this air enforcement action.

PCB 92-85 LTV Steel Company 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.

June 15 10:00 a.m.	PCB 92-55 L-S-R	<u>Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois</u> - Champaign City Hall, Council Chambers, 102 N. Neil St., Champaign.
June 16 9:30 a.m.	R 91-20 R	<u>In the Matter of: Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - Bloomington City Hall, City Counsel Chambers, 109 W. Olive St., Bloomington.
June 23 9:30 a.m.	PCB 92-15 UST-FRD	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - Williamson County Courthouse, 200 W. Jefferson (adjacent to Courtroom #5), Marion.
June 24 9:30 a.m.	PCB 91-67 P-A	<u>Manville Sales Corporation v. EPA</u> - Will County Courthouse, 14 W. Jefferson St. (see Room 439), Joliet.
June 24 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 24 10:00 a.m.	PCB 92-50 A-V	<u>Lawrence Brothers, Inc. v. EPA</u> - Coliseum Building, Community Room, 212 Third Ave., Sterling.
<b>June 25</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 25 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 25 1:00 p.m.	PCB 91-221 UST-FRD	<u>Manito/Waddell Airport v. EPA</u> - Mason County Courthouse, Havana.
June 29 9:00 a.m.	PCB 91-250 P-A	<u>Pekin Energy Company v. EPA</u> - Pekin City Hall, Counsel Chambers, 400 Margaret St., Pekin.
June 29 9:30 a.m.	AS 92-2 AS	<u>In the Matter of: Petition of We-Shred-It., Inc. for Adjusted Standard from 35 Ill. Adm. Code Part 848, Management of Used and Waste Tires</u> - Pana City Hall, City Council Chambers, 123 E. 3rd St., Pana.
June 29 10:00 a.m.	AS 91-3 AS	<u>In the Matter of: Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721, Subpart D</u> - Peoria County Courthouse, Room 403, 324 Main Street, Peoria.
June 29 10:00 a.m.	PCB 91-10 W-V	<u>Amoco Oil Company (Creve Coeur Terminal) v. EPA</u> - McKenzie Building, Tazewell County Board Room, 3rd Floor, Pekin.
June 29 10:00 a.m.	PCB 92-62 UST-FRD	<u>Galesburg Cottage Hospital v. EPA</u> - Knox County Courthouse, County Board Room, 200 S. Cherry St., Galesburg.
June 30 10:00 a.m.	PCB 91-10 W-V	<u>Amoco Oil Company Creve Coeur Terminal) v. EPA</u> - McKenzie Building, Tazewell County Board Room, 3rd Floor, Pekin.
June 30 10:00 a.m.	PCB 92-26 A&N-E	<u>Dale Dettlaff and Deborah Dettlaff v. Mr. Eduardo Boado, EPB Services, Inc.</u> - ELA Town Hall, 95 E. Main St., Lake Zurich.
June 30 10:00 a.m.	PCB 91-234 P-A	<u>Safety-Kleen Corporation (Pekin Facility) v. EPA</u> - Pekin City Council Chambers, 400 Margaret St., Pekin.
June 30 11:00 a.m.	PCB 91-16 P-A	<u>Nicor National, Inc. v. EPA</u> - Madison County Courthouse, 155 N. Main St., Edwardsville.
July 1 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.

July 8 10:00 a.m.	PCB 91-52 P-A	<u>Atwood Industries, Inc. v. EPA</u> - Stockton Public Library, 140 W. Benton St., Stockton,
<b>July 9</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 2-025, Chicago.</b>
July 10 10:00 a.m.	AC 92-5 AC	<u>EPA v. Ronald D. And Retha M. Rawe</u> - Greene County Courthouse, Carrollton.
July 10 10:00 a.m.	PCB 91-18 P-A	<u>Illinois Central Railroad (Centralia Facility) v. EPA</u> - City Council Chambers, Second Floor, 222 S. Poplar St., Centralia.
July 14 9:30 a.m.	R 91-20 R	<u>In the Matter of Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - State of Illinois Center, Room 2-025, 100 E. Randolph St., Chicago.
July 14 9:30 a.m.	PCB 92-76 P-A	<u>Meyer Steel Drum, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 17 9:00 a.m.	PCB 91-195 A-E	<u>Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.</u> - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.
July 17 10:00 a.m.	PCB 91-134 P-A	<u>Safety-Kleen Corporation (Elgin Recycle Center) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 20 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 21 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.
July 21 10:00 a.m.	R89-17(C) R	<u>In the Matter of: Application of California Motor Vehicle Standards in Illinois</u> - State of Illinois Center, Room 2-025, 100 W. Randolph St., Chicago.
July 23 10:00 a.m.	AC 91-32 AC	<u>County of Ogle v. Rochelle Disposal Services, Inc.</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
July 29 10:00 a.m.	PCB 92-60 UST-FRD	<u>Kean Oil Company v. EPA</u> - McHenry County Government Center, 2200 N. Seminary, Woodstock.
<b>July 30</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
July 31 10:00 a.m.	AC 92-33 AC	<u>St. Clair County v. James Alexander, President, Alexander Development Co., Inc.</u> - St. Clair County Building, Board Conference Room, Fifth Floor, 10 Public Square, Belleville.
August 3 9:00 a.m.	PCB 92-75 UST-FRD	<u>Estate of Larry Junkin, by Patricia Junkin, Executrix</u> - City of Champaign Building, Room EC-4, 102 N. Neil St., Champaign.
August 3 10:00 a.m.	PCB 91-237 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. (Operating Permit) v. EPA</u> - Rockford Public Library, Room C, Lower Level, 215 N. Wyman St., Rockford.
August 3 10:00 a.m.	PCB 91-238 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. (Supplemental Permit) v. EPA</u> - Rockford Public Library, Room C, Lower Level, 215 N. Wyman St., Rockford.
<b>August 13</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
August 19 9:30 a.m.	PCB 90-89 SWH-E	<u>EPA v. Fred Johnson, Johnson &amp; Briggs Tank Truck Service a/k/a Johnson &amp; Briggs Tank Truck &amp; Heater Service (Consolidated with PCB 91-123)</u> - Edwards County Courthouse, 50 E. Main St., Albion.
August 26	R89-17(C)	<u>In the Matter of: Application of California Motor Vehicle Standards in Illinois</u> - Capitol

10:00 a.m.	R	Building, Room 118, Springfield.
August 27 9:30 a.m.	PCB 91-38 P-A	<u>American Waste Processing, Ltd. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
<b>September 3</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
September 15 10:00 a.m.	PCB 91-201 UST-FRD	<u>RKF Enterprises v. EPA</u> - Benton City Hall, Council Room, 500 W. Main St., Benton.
<b>September 17</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
September 23 10:00 a.m.	AS 91-11 AS	<u>In the Matter 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 East St. Louis Public Water Supply Facility</u> - Belleville City Hall, Council Chambers, 10 S. Illinois St., Belleville.
September 24 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigolet Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 25 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigolet Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 30 10:00 a.m.	AS 91-12 AS	<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.
<b>October 1</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>October 15</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>October 29</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>November 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>December 3</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>December 17</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

**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		

**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.

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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.

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