

ENVIRONMENTAL REGISTER

No. 398

February 7, 1990

BOARD PROPOSES AMENDMENTS TO PHARMACEUTICAL RULE FOR FIRST NOTICE

On January 25, 1990, the Board adopted (7-0) an Order proposing amendments to the pharmaceutical rules, 35 Ill. Adm. Code 211 and 215, for first notice. The proposal was filed by Abbott Laboratories, who also requested that the Board expedite the rulemaking process as much as possible. Consistent with this request, the Board sent the proposal to first notice without taking a position on the substance of the proposal at this time. The Board's action was taken solely to effectuate publication of the proposal in the Illinois Register.

Hearings have been scheduled for March 13, 1990 in Chicago and March 29, 1990 in Waukegan. Interested persons are encouraged to contact the Hearing Officer, Daniel L. Siegfried, at (312) 814-6923.

BOARD ADOPTS WATER TOXICS RULES AND ISSUES RESOLUTION IN RESPONSE TO JCAR OBJECTION

On January 25, 1990, the Board adopted (5-2) an Opinion and Order for Final Adoption of Amendments to Title 35, Subtitle C (Toxics Control) (Board Docket R88-21(A)). The amendments were proposed by the Illinois Environmental Protection Agency on August 5, 1988. Fourteen days of hearings were held on the proposal during 1988 and 1989.

The purpose of the amendments is

to amend the Board's regulations for control of toxic substances in surface waters in the State. The amendments are reflective of the mandate of Section 303(c)(2)(B) of the Clean Water Act (CWA), which requires states to adopt criteria for all toxic pollutants listed pursuant to Section 307(a)(1) of the CWA. This is consistent with the national policy objective stated in Section 101 of the CWA that the discharge of toxic pollutants in toxic amounts shall be prohibited.

The Joint Committee on Administrative Rules (JCAR) considered the amendments at its January 10, 1990 meeting and issued Certificates of No Objection to Parts 301, 305, and 309 of the proposed rules. However, JCAR voted to object to Subtitle F of Section 302. On January 25, 1990, the Board adopted a Resolution (Res 90-1, R89-22(A)) in response to the JCAR objection, refusing to withdraw or modify the proposed rules.

Copies of the adopted text will be published shortly in the Illinois Register. For further information, contact Hearing Officer Kathleen M. Crowley at (312) 814-6929.

BOARD SENDS TO FIRST NOTICE PROPOSED AMENDMENTS TO TITLE 35, SUBTITLE C (TOXICS CONTROL) IN R88-21 (DOCKET B) PROCEEDING

On December 6, 1989, the Board opened Docket B in the R88-21 proceeding for the purpose of providing for first notice certain adjuncts to the overall proposed amendments, now contained in Docket A. These Docket B amendments are not part of the federally required amendments as are those contained in Docket A. Also, most of the amendments contained in Docket B were not included in the first notice of what is now Docket A.

In general, the Docket B proposed amendments to 35 Ill. Adm. Code 302 include an alternative to the current total iron water quality standards, proposing standards for dissolved iron (Section 302.208 and 302.304), and the addition of subsection (k) to Section 302.211 regarding mixing zones for thermal discharges.

The Docket B proposed amendments to 35 Ill. Adm. Code 303 are, in effect, a site-specific mixing zone rule applicable to the Granite City Division of National Steel corporation. (Section 303.354)

The Docket B proposed amendments to 35 Ill. Adm. Code 304 contain an exception for discharges of total residual chlorine which result from intermittent chlorination. Intermittent chlorination is practiced by utilities and industries which use surface waters as cooling waters to prevent biofouling of various cooling devices. (Section 304.221)

The Docket B proposed amendments to 35 Ill. Adm. Code 305 provide a formal link between Section 309.148 and Section 302.210. Section 309.148 allows for a schedule of compliance

with effluent and water quality standards, and other legally applicable requirements. This would clarify that if a schedule of compliance is in effect, the discharger is complying with Section 302.210 by an alternate means. The amendments also provide that a legally enforceable schedule of compliance precludes enforcement by any party for violation of Section 302.210. (Section 305 (d) and (e))

The Docket B proposed amendments to 35 Ill. Adm. Code 309 are intended to give a permittee who timely files for a permit modification a stay of enforcement of the Board's rules for up to 240 days. During this stay period the permittee would presumably be able to address compliance without threat of surprise enforcement. (Section 309.152)

Copies of the proposed amendments and Board Opinion are available upon written request of the Clerk of the Board.

BOARD AND STAFF ACTIVITIES

Board Member Jacob Dumelle and Assistant Daniel Siegfried were speakers at a seminar on Board practice and procedure hosted by a Chicago law firm on January 5.

Chairman Marlin was in attendance at Springfield for Governor Thompson's "State of the State" message on January 10.

Former Board Member James L. Young visited the Board's offices on January 10. Mr. Young was a member from 1975-1979.

The Board welcomes Mark Miller and Paula Wolken to its staff in the Urbana

office. Mark Miller is the new attorney assistant to Chairman J. Marlin. Paula Wolken is the new secretary for the Urbana office.

The Board would also like to welcome Sam Walker to the staff of the Chicago office.

FINAL ACTIONS - JANUARY 25, 1990 BOARD MEETING

- PCB 88-98 IBP, Inc. v. IEPA - The Board denied petitioner's motion to stay, denied the Agency's motion to file instant and reaffirmed its September 13, 1989 final decision.
- PCB 88-207 Central Illinois Public Service Co. v. IEPA - The Board accepted the Agency Recommendation allowing petitioner to continue its operation at its Jasper County facility in accordance with the thermal discharge limits imposed by the Board Order of August 21, 1980.
- PCB 89-29 Diane Marie Barry v. Village of Fox River Grove - The Board found respondent violated the Board's public water supplies regulations, ordered the Village to cease and desist from future violations at its McHenry County facility, and ordered daily visual inspections for a period of one year of the color of its public water. Board Member J. Theodore Meyer concurred.
- PCB 90-9 Motorola, Inc., v, IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Cook County facility.
- PCB 90-10 Taracorp Industries, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Madison County facility.
- PCB 90-11 Roper Corp. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Kankakee County facility.
- AC 89-138
DOCKET A & B IEPA v. Dr. John Donovan - The Board granted respondent's motion to withdraw its Petition for Review, and the matter proceeded as a default at hearing. The Board found respondent violated the provision alleged in the Administrative Citation, imposed a fine of \$500 and ordered the Agency and the Board to file a statement of hearing costs with service upon respondent.
- AC 89-201 IEPA v. Fred Gocey - The Board accepted the Agency's Motion to Dismiss, vacated its Order of October 18, 1989 and dismissed the matter.

- AC 89-237 IEPA v. Gary W. Jacobs - This matter was dismissed on the Agency's motion.
- AC 89-276 IEPA v. Rockford Speedway, Inc. - The Board found respondent violated Sections 21(p)(5) and 21(p)(4) of the Act and imposed a fine of \$1,000.
- AC 89-278 IEPA v. ESG Watts, Inc. - The Board found respondent violated Sections 21(p)(5) and 21(p)(1) of the Act and imposed a fine of \$1,000.
- AC 89-279 IEPA v. Hershhal Hancock, individually and d/b/a Risk Managers, International, Inc. - The Board found respondent violated Sections 21(q)(1), 21(q)(4) and 21(q)(6) of the Act and imposed a fine of \$1,500.
- AC 89-280 IEPA v. Barter-Mitchell Construction Co. - The Board found respondent violated Sections 21(q)(1), 21(q)(4) and 21(q)(6) of the Act and imposed a fine of \$1,500.
- AC 89-281 IEPA v. Loren Lambert - The Board found respondent violated Sections 21(q)(1), 21(q)(4) and 21(q)(6) of the Act and imposed a fine of \$1,500.
- AC 89-282 IEPA v. Village of Washington Park - The Board found respondent violated Sections 21(q)(1), 21(q)(2), 21(q)(3) and 21(q)(5) of the Act and imposed a fine of \$2,000.
- AC 89-283 IEPA v. Paul Fridly - The Board found respondent violated Sections 21(q)(1) and 21(q)(3) of the Act and imposed a fine of \$1,000.
- AC 89-284 IEPA v. City of Herrin - The Board found respondent violated Sections 21(p)(5), 21(p)(7) and 21(p)(9) of the Act and imposed a fine of \$1,500.
- AC 89-285 IEPA v. Paul L. Hindman - The Board found respondent violated Sections 21(p)(5) and 21(p)(11) of the Act and imposed a fine of \$1,000.
- AC 89-286 IEPA v. ESG Watts, Inc. - The Board found respondent violated Section 21(p)(5) of the Act and imposed a fine of \$500.
- AC 89-287 IEPA v. Robert W. Britz, Jr. - The Board found respondent violated Sections 21(q)(1) and 21(q)(3) of the Act and imposed a fine of \$1,000.
- AC 89-291 IEPA v. Roger Hill - This matter was dismissed on the Agency's motion.
- AC 89-294 IEPA v. Don Eichen - The Board found respondent twice violated Section 21(q)(1) of the Act and imposed a fine of \$1,000.
- AC 89-297 IEPA v. Decker Construction, Inc. - This matter was dismissed on the Agency's motion.

NEW CASES - JANUARY 25, 1990

- PCB 89-205 Vito Zivoli v. Prospect Dive and Sport Shop, et al. - Complainant alleges violations of the Board's noise regulations at respondents' Cook County facility. Hearing mandatory.
- PCB 90-7 IEPA v. Blue Tee Corp. (Azcon Scrap Division) - Complainant alleges violations of the Act and Board air pollution regulations at respondent's Madison County facility. Hearing mandatory.
- PCB 90-8 The City of Metropolis v. IEPA - Petitioner seeks review of the Agency's denial of its permit application for vertical expansion of its Massac County landfill. Hearing authorized.
- PCB 90-9 Motorola, Inc. v. IEPA - See Final Actions.
- PCB 90-10 Taracorp Industries, Inc. v. IEPA - See Final Actions.
- PCB 90-11 Roper Corp. v. IEPA - See Final Actions.

CALENDAR *

- February 9 10:00 a.m. A-E EPA v. Northrop Corporation - PCB 89-192, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
- February 13 10:00 a.m. A-E EPA v. Ravenswood Health Enterprises, Inc. - PCB 89-190, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
- February 14 10:00 a.m. A-C EPA v. Kissner Company - AC 89-247, 134 North LaSalle St., Suite 2222, Chicago.
- February 14 11:00 a.m. R Groundwater Quality Standards (35 Ill. Adm. Code 620) - R89-14, State of Illinois Center, 100 West Randolph St., Room 9-031, Chicago. (Hearing will continue on February 15 and February 16 if necessary.)
- February 15 9:00 a.m. R Groundwater Quality Standards (35 Ill. Adm. Code 620) - R89-14, Northeastern Illinois Planning Commission, 400 W. Madison St., Meeting Room, Chicago.
- February 16 9:00 a.m. R Groundwater Quality Standards (35 Ill. Adm. Code 620) - R89-14, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
- February 21 9:30 a.m. A-E EPA v. Calumet Armature Electric - PCB 89-191, State of Illinois Center, 100 W. Randolph, St., Suite 11-500, Chicago.
- February 22** **Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- February 22 P-A Bulk Molding Compounds, Inc. v. EPA - PCB 89-195, Elgin City

10:00 a.m. Hall, 150 Dexter Court, Elgin.

February 23 10:00 a.m. A-C Jackson County v. Donald Taylor - AC 89-258, City Council Chambers, City Hall, 202 North 11th, Murphysboro.

February 26 11:00 a.m. A-E EPA v. Chicago Steel Container Corporation - PCB 89-206, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

February 26 9:30 a.m. P-A Calvary Temple Church v. EPA - PCB 90-3, DuPage Center, 421 County Farm Road, Courtroom 1700, Wheaton.

February 27 10:30 a.m. P-A A.R.F. Landfill Corp. v. EPA - PCB 89-101, Avon Township Community Center, 433 East Washington, Round Lake.

February 27 9:30 a.m. A-C EPA v. General Iron Industries, Inc. - AC 89-198, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

February 28 10:00 a.m. A-C EPA v. John Vander - AC 89-224, State of Illinois Building, North Conference Room, 2309 W. Main, Marion.

March 1 10:00 a.m. A-C EPA v. City of Rutland - AC 89-242, Fire District Building, Rutland

March 2 10:00 a.m. A-V General Motors Corporation v. EPA - PCB 88-193, Vermilion County Courthouse, Court Room 101, 7 North Vermilion, Danville.

March 2 9:30 a.m. A-E EPA v. Ekco Glaco Corp. - PCB 89-200, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

March 6 10:00 a.m. A-C EPA v. Omer Thomas - AC 89-215, Court Room B, Shelby County Courthouse, East Main Street, Shelbyville.

March 6 10:00 a.m. P-A The Grigoleit Company v. EPA - PCB 89-184, Decatur Public Library, 247 East North St., Decatur.

March 7 9:30 a.m. P-A The Grigoleit Company v. EPA - PCB 89-184, Decatur Public Library, 247 East North St., Decatur.

March 7 1:30 p.m. P-A Pekin Energy Company v. EPA - PCB 89-171, Tazewell County Board, 11 South 4th St., McKenzie Building, Third Floor, Pekin.

March 7 10:00 a.m. P-A Koppers Industries, Inc. v. EPA - PCB 90-6, Morton West High School, Auditorium, 2400 South Home Street, Berwyn (if necessary, 2nd day of hearing will be held on March 9, 1990, Morton East High School).

March 8 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

March 9 10:00 a.m. P-A Koppers Industries, Inc. v. EPA - PCB 90-6, Morton East High School, Auditorium, 2423 South Austin, Cicero.

March 13 10:00 a.m. P-A Sushi, Ltd. v. EPA - PCB 89-150, Canton City Hall, Room 207, 210 East Chestnut St., Canton.

March 13 R Site-Specific Rule Change for Abbott Laboratory
10:30 a.m. (Pharmaceuticals) - R88-14, State of Illinois Center, 100 W.
Randolph St., Room 11-512, Chicago.

March 13 PWS Metro Utility Company v. EPA - PCB 89-210 Central Square,
10:00 a.m. Second Floor Board Room, 222 East 9th Street, Lockport.

March 14 A-V Olin Chemicals (Joliet Plant) v. EPA - PCB 89-72, Joliet
9:30 a.m. City Hall, East Wing Conference Room, First Floor 150 West
Jefferson Street, Joliet.

March 14 PWS-V Metro Utility Company v. EPA - PCB 89-210, Central Square,
10:00 a.m. Second Floor Board Room, 222 East 9th Street, Lockport.

March 15 W-V Village of Shorewood v. EPA - PCB 89-204, Shorewood Village
10:00 a.m. Council Chambers, Village Hall, 903 W.
Jefferson, Village of Shorewood.

March 19 N-E Robert J.Kvatsak and Alice Joan Kvatsak v. St. Michaels
10:00 a.m. Lutheran Church, PCB 89-182, State of Illinois Center, 100 West
Randolph, Suite 11-500, Chicago.

March 21 N-E John Zarlenga and Jean Zarlenga v. Partnership Concepts, et
10:00 a.m. al.- Bloomingdale Village Hall, 201 South
Bloomingdale Road, Bloomingdale.

**March 22 Pollution Control Board Meeting, State of Illinois Center, 100
W. Randolph St., Conference Room 9-040, Chicago.**

March 23 A-C EPA v. Roger Miller - PCB 89-145, Mahomet Area Community
1:15 p.m. Building, 510 East Main, Mahomet.

March 23 A-E EPA v. Blue Tee Corporation (Azcon Scrap Division) - PCB 90-
10:00 a.m. 7, Alton City Hall, 101 East Third Street, Alton.

March 28 P-A Modine Manufacturing Company v. EPA - PCB 86-124, McHenry
10:15 a.m. Public Library, 1011 North Green St., McHenry.

March 28 A-E People of the State of Illinois v. Crown Cork & Seal Co.,
9:30 a.m. Inc. - PCB 89-159, Kankakee Detention Center, 400 East
Merchant, Kankakee.

March 28 R Site-Specific Rule Change for Abbott Laboratories
10:30 a.m. (Pharmaceuticals) R88-14, Lake County Courthouse, Tenth Floor
Assembly Room, 18 North County Road, Waukegan.

March 28 A-S The Nutra Sweet Company and Consumers Illinois Water Company
10:00 a.m. Petition for an Adjusted Standard, 35 Ill. Adm. Code 304.105
and 302.208 - AS 89-3, University Park Village Hall, Village
Board Room, 698 Burnham, University Park.

March 29 P-A Highland Supply Corporation v. EPA - PCB 89-118, City
10:00 a.m. Council Chambers, Highland City Hall, 1115 Broadway, Highland.

- March 30 A-C EPA v. Ronald Griffith - AC 89-230, Courtroom, Main Floor, Shelby County Courthouse, Shelbyville.
- March 30 N-E Phyllis A. Diadone, et al v. Lexington Square - PCB 89-168 Lexington Square, Hyde Park Room, 555 West Foxworth, Lombard.
- April 5 A-E People of the State of Illinois v. Crown Cork and Seal Company Inc. - PCB 89-201, State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago.
- April 12 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- April 12 P-A Waste Management of Illinois, Inc. v. EPA - PCB 89-176, Joliet Courthouse, 14 W. Jefferson St., Joliet.
- April 18 P-A D & B Refuse Service, Inc. v. EPA - PCB 89-106, Moultrie County Courthouse, Grand Jury Room, Third Floor, Sullivan.
- April 19 P-A National Coatings, Inc. v. EPA - PCB 89-181, Knox County Courthouse, Second Floor, Bailiff's Office, Galesburg.
- April 20 P-A Olney Sanitary Systems and Andrew Ochs v. EPA - PCB 89-175 City Council Room, City Hall, 300 South Whittle, Olney.
- April 25 A-S In the Matter of: Safety-Kleen Corporation Petition for Adjusted Standard, 35 Ill. Adm. Code 720.131 (c) - AS 89-5, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.
- April 26 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- May 10 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- May 24 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 312/917-6931.

** 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:

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|-----|-------------------------|-------|-----------------------|
| A-E | AIR ENFORCEMENT | N-E | NOISE ENFORCEMENT |
| A-V | AIR VARIANCE | N-V | NOISE VARIANCE |
| A-C | ADMINISTRATIVE CITATION | SWH-V | SPECIAL WASTE HAULING |

		VARIANCE	
W-E	WATER ENFORCEMENT	SWH-E	SPECIAL WASTE HAULING
		ENFORCEMENT	
W-V	WATER VARIANCE	PWS-E	PUBLIC WATER SUPPLY
	ENFORCEMENT		
L-E	LAND ENFORCEMENT	PWS-V	PUBLIC WATER SUPPLY VARIANCE
L-V	LAND VARIANCE	P-A	PERMIT APPEAL
R	REGULATORY PROCEEDING	L-S-R	LANDFILL SITING REVIEW
T	THERMAL DEMONSTRATION RULE	S0 ₂	S0 ₂ ALTERNATIVE STANDARDS
	(35 ILL. ADM. CODE 302.211(F))	T-S	TRADE SECRETS
CSO	COMBINED SEWER OVERFLOW	T-C	TAX CERTIFICATIONS
	EXCEPTION	A-S	ADJUSTED STANDARD