

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 443

Happy New Year!

January 8, 1991

RULEMAKING UPDATE

BOARD PROPOSES STATE-WIDE PM-10 STANDARDS, R91-35

The Board acted at its December 19, 1991, meeting to send a proposal which sets forth state-wide standards for ambient and episode emission of PM-10. The proposal was filed on November 19, 1991, by the Illinois Environmental Protection Agency. The Board did not rule on the substance of the proposal and adopted the proposal as filed with nonsubstantive changes for conformance with the Illinois Administrative Procedure Act. This rulemaking was certified by the Board as being federally required to meet the guidelines of the Clean Air Act. Comments concerning the rule should reference docket number R91-35 and be addressed to the Clerk, Illinois Pollution Control Board.

BOARD ADOPTS REPEAL OF 35 I.A.C. 809.SUBPART I, HAZARDOUS (INFECTIOUS) MEDICAL WASTE, R9118

At the meeting of December 19, 1991, the Board adopted the repeal of 35 Ill. Adm. Code 809.Subpart I, the hazardous (infectious) medical waste rules, effective January 1, 1992. This fulfills the mandate of P.A. 87-752, which added new Section 56.2(d) to the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111½, par. 1056.2(d)). Various self-implementing segments of P.A. 87-752 will take effect January 1, 1992 and replace the repealed rules until the Board adopts new rules pursuant to other mandates of this legislation.

BOARD ADOPTS USX DELISTING, R91-12

On December 19, 1991, the Board adopted an exclusion for fully cured, chemically stabilized electric arc furnace dust/sludge for USX Steel Corporation. This rulemaking is identical in substance to an exclusion adopted by USEPA on April 29, 1991 and amends 35 Ill. Adm. Code 721.Appendix I, Table B, Wastes Excluded From Specific Sources. The Board is allowing post-adoption comments through January 21, 1992. Comments concerning the rule should reference docket number R91-12 and be addressed to the Clerk, Illinois Pollution Control Board. Copies of the opinion may be obtained by calling the Board at (312) 814-3620.

PUBLIC WATER SUPPLIES RESTRICTED STATUS AND CRITICAL REVIEW LISTS

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

APPEAL UPDATE

APPELLATE COURT AFFIRMS BOARD DECISION IN LANDFILL SITING CASE

On October 3, 1991, the Appellate Court, Fifth District, affirmed the Board's decision in File v. D & L Landfill, PCB 90-94 (August 30, 1990). (File v. D & L Landfill, No. 5-90-0630, October 3, 1991.) The case arose from D & L Landfill's application for site approval for a landfill to be located at the southwest entrance to Greenville, Bond County, Illinois. The Bond County Board of Supervisors granted site approval in April 1990. A group of citizens appealed that decision to this Board. The citizens group alleged that the County Board's finding that D & L had satisfied all applicable criteria of Section 39.2(a) of the Environmental Protection Act was against the manifest weight of the evidence. After a hearing, the Board found that the County Board's findings were not against the manifest weight of the evidence, and thus affirmed the County Board's decision.

On appeal, the citizens group contended that the decisions of the County Board and the Pollution Control Board, finding that D & L had satisfied the statutory criteria, were against the manifest weight of the evidence. The appellate court first clarified that the question before the court was whether this Board's decision, that the Bond County Board's finding that D & L had satisfied the requirements of Section 39.2 was not against the manifest weight of the evidence, is itself against the manifest weight of the evidence. The appellate court then reviewed the evidence presented to the County Board, and agreed with this Board that the findings of the Bond County Board are not against the manifest weight of the evidence. Therefore, the court affirmed that Board's decision.

FINAL ACTIONS - DECEMBER 19, 1991 BOARD MEETING

PCB 89-106 D & B Refuse Service, Inc. v. IEPA - The Board granted petitioner's motion for reconsideration of its opinion and order of October 24, 1991, declined to reverse its determination that petitioner failed to challenge all of the Agency's denial reasons, and affirmed the Agency's decision concerning its Moultrie County facility.

PCB 90-227 DML, Inc. v. IEPA - The Board accepted the

Agency Recommendation and granted petitioner variance, with conditions, from the Board's air pollution regulations for its Woodford County facility. Board Member J.D. Dumelle concurred.

PCB 91-80 Paul Rosman v. IEPA - The Board affirmed the Agency's decision denying petitioner's tank removal costs concerning its Cook County facility. Board Members J. Anderson and B. Forcade concurred.

PCB 91-109 North Suburban Development Corp. v. IEPA - The Board affirmed the Agency's determination regarding the nonreimbursability of costs incurred prior to petitioner's notification to Illinois Emergency Services and Disaster Agency concerning its Cook County facility. Board Members J. Anderson and M. Nardulli dissented.

PCB 91-152 Envirite Corp., a Pennsylvania Corp. v. IEPA and Peoria Disposal Company - The Board granted summary judgement in favor of Peoria Disposal and granted the Agency's motion to dismiss concerning its Peoria County facility.

PCB 91-188 Village of Lake Zurich v. IEPA - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to the standards for combined radium-226 and radium-228 in drinking water for its Lake County facility. Board Members J.D. Dumelle and B. Forcade dissented.

PCB 91-190 State Bank of Whittington v. IEPA - This matter was dismissed on petitioner's motion.

PCB 91-247 Allied-Signal, Inc. 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 Vermilion County facility. Board Members J.D. Dumelle and B. Forcade concurred.

PCB 91-248 Amoco 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 Madison County facility. Board Members J.D. Dumelle and B. Forcade concurred.

R91-12 In The Matter Of: Petition of USX Corp. for Hazardous Waste Delisting - This amendment adopts an exclusion for fully cured, chemically stabilized electric arc furnace dust/sludge from USX Steel Corporation, Southworks Plant, Chicago, Illinois, and is identical in substance to an exclusion adopted by USEPA on April 29, 1991.

R91-18 In The Matter Of: Repeal of 35 Ill. Adm. Code 809.Subpart I: Hazardous (Infectious) Hospital Waste - The Board adopted the repeal of 35 Ill. Adm. Code 809. Subpart I in this rulemaking pursuant to the mandate of new Section 56.2(d), effective January 1, 1992.

AC 91-48 St. Clair County v. Dennis Fults - The Board found respondent violated Sections 21(q)(1) and 21(q)(3) of the Act and imposed a fine of \$1,000.

AC 90-91(B) IEPA v. Bernard Leitschuh - The Board ordered respondent to pay as compensation for hearing costs incurred by the Board and Agency the amount of \$476.00 designated for deposit into the General Revenue Fund concerning its Montgomery County facility and closed the docket.

NEW CASES - DECEMBER 19, 1991 BOARD MEETING

PCB 91-243 Smith Oil Co. of Kankakee v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Will County facility. Accepted for hearing.

PCB 91-244 Dakota K Enterprises, Inc. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Cook County facility. Accepted for hearing.

PCB 91-245 B & W Cartage Co., Inc. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Cook County facility. Accepted for hearing.

PCB 91-246 City of Joliet v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations concerning Standards for Issuance and Restricted Status relating to combined radium-226 and radium-228 and gross alpha particle activity for its Will County facility. Held for Agency Recommendation.

PCB 91-247 Allied-Signal, Inc., v. IEPA - See Final Actions.

PCB 91-248 Amoco Oil co. V. IEPA - See Final Actions.

PCB 91-249 People of the State of Illinois v. Custom Tapes, Inc., an Illinois Corp. - Complainant alleges violations of the Act and Board air pollution regulations at respondent's Cook County facility. The complaint was filed together with a stipulation and proposal for settlement and a request for relief from the requirements for a public hearing. The Board directed the Clerk to cause publication of the required newspaper notice, and reserved ruling on the parties' request until after the statutory 21 days has passed.

PCB 91-250 Pekin Energy Co. v. IEPA - Petitioner seeks permit review concerning its Tazewell/Peoria County facility. Accepted for hearing.

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

J. Theodore Meyer
Chicago, Illinois

Michael L. Nardulli
Chicago, Illinois

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.

January 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
January 9 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 9 10:00 a.m.	PCB 90-182 N-E	<u>Ronald E Tex and Susan D. Tex v. S. Scott Coggeshall, Coggeshall Construction Company, Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company</u> - McDonough County Courthouse, Law Library, Third Floor, Macomb.
January 10 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 14 10:30 a.m.	PCB 91-156 P-A	<u>Gallatin National Company v. EPA</u> - Fellowship Hall of the Reformed Church, Corner of Main and Church, Fairview.
January 15 9:00 a.m.	PCB 91-175 P-A	<u>Ball Corporation, Ball Metal Decorating & Service Division v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 15 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 15 10:00 a.m.	PCB 91-213 UST-FRD	<u>First Busey Trust & Investment Co., as Trustee of the Anne Laycock Trust v. EPA</u> - Champaign County Courthouse Annex Meeting Room 2, 204 E. Elm St., Urbana.
January 15 10:00 a.m.	PCB 91-30 N-E	<u>Susan A. Curtis and Marcey Diesing and Crystal Lake, Intervening-Complainant v. Material Service Corporation and Village of Lake in the Hills, Intervening-Respondent: Material Service Corporation Cross-Complainant v. City of Crystal Lake, Cross-Respondent</u> - Crystal Lake City Hall, Council Chambers, 101 W. Municipal Complex, Crystal Lake.
January 15 1:00 p.m.	PCB 91-174 UST-FRD	<u>Enterprise Leasing Company (Chicago Heights) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 16 10:00 a.m.	PCB 89-177 P-A	<u>CWM Chemical Services, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 16 10:30 a.m.	R 91-23 R	<u>In the Matter of: Marathon Oil Company Petition for Site-Specific Rule Change, 35 Ill. Adm. Code 303.323</u> - Robinson Community Center, 300 S. Lincoln, Robinson.
January 17 10:30 a.m.	PCB 91-136 N-E	<u>Don Bolander v. Monticello Bus Service, Wayne Kruger, President</u> - County Board Room, Room 104, 101 W. Washington St., Monticello.
January 17 10:00 a.m.	PCB 91-222 P-A	<u>Ronk Electrical Industries, Inc. v. EPA</u> - City Council Chambers (Second Floor), Nokomis City Hall, 111 S. Pine, Nokomis.
January 17 10:00 a.m.	AC 91-38 A-C	<u>EPA v. Danny Mains</u> - Bond County Courthouse, 200 West College, Greenville.
January 22 10:00 a.m.	PCB 91-203 UST-FRD	<u>Export Packaging Co., Inc. (Moline Facility) v. EPA</u> - County Office Building, County Boardroom, Third Floor, 1504 Third Avenue, Rock Island.
January 23		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
January 24 9:30 a.m.	PCB 91-214 UST-E	<u>North Oak Chrysler Plymouth v. Amoco Oil Company</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 27 10:00 a.m.	R 90-25 R	<u>Utility Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 810-815)</u> - Northeastern Planning Commission, 400 W. Madison St., Chicago.
January 28 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Servies, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 28 10:00 a.m.	PCB 91-138 UST-FRD	<u>Kronon Motor Sales, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 28	R 91-35	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution PM-10 Ambient</u>

10:00 a.m.	R	<u>Limits and Episode Regulations: 35 Ill. Adm. Code 212, 243 and 244</u> -State of Illinois Center, Room 9-040, 100 W. Randolph St., Chicago.
January 29 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Servies, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 29 9:30 a.m.	PCB 91-205 UST-FRD	<u>Fred M. Strube and Cynthia L. Strube d/b/a Strube's 66</u> - Peoria County Courthouse, Peoria County Board of Supervisors, Jefferson & Main, Peoria.
January 29 10:00 a.m.	PCB 91-233 UST-FRD	<u>L.D. Redmer Screw Products, Inc. v. EPA</u> - Bensenville Village Hall, Board Room, 700 W. Irving Park Rd., Bensenville.
January 30 9:00 a.m.	PCB 91-242 UST-FRD	<u>Arthur J. Ferrari v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 30 9:30 a.m.	PCB 89-177 P-A	<u>CWM Chemical Servies, Inc. v. EPA and People of the State of Illinois</u> - Loyola Law School, Room 124 or 160, Corboy Courtroom, 1 East Pearson, Chicago.
January 30 10:00 a.m.	PCB 91-128 N-E	<u>Oather Druen, Evelyn Druen and Amy Pirtle v. James Leonard</u> - Criminal Justice Center, 707 Etna Road, Ottawa.
January 30 10:00 a.m.	R 91-35 R	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution PM-10 Ambient Limits and Episode Regulations: 35 Ill. Adm. Code 212, 243 and 244</u> -State Capitol Building, Room 400, Springfield.
January 31 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.
January 31 10:00 a.m.	PCB 91-224 L-S-R	<u>5027 Corp. v. City of Moline</u> - City Hall, Council Chamber, Third Floor, 1528 Third Avenue, Rock Island.
January 31 10:00 a.m.	PCB 91-244 UST-FRD	<u>Dakota K. Enterprises, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
February 5 10:30 a.m.	PCB 91-234 P-A	<u>Safety-Kleen Corporation (Pekin Facility) v. EPA</u> - Pekin City Council Chambers, 400 Margaret St., Pekin.
February 6		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
February 14 10:00 a.m.	PCB 91-172 N-E	<u>John Plosila v. Bandito Barney's, First American Bank (Wallace Wolff) Trust No. 89-008 and Thom P. McNamee</u> - Dundee Public Library, 555 Barrington Avenue, Dundee.
February 27		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
March 5 9:30 a.m.	PCB 91-202 P-A	<u>Sherex Chemical Company, Inc. v. EPA</u> - Peoria County Courthouse, Board of Supervisors, Jefferson & Main Street, Peoria.
March 12		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
March 16 9:30 a.m.	PCB 91-220 P-A	<u>Waste Management of Illinois, Inc. (Laraway Facility) v. EPA</u> - Will County Courthouse, 14 W. Jefferson, Joliet.
March 18 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.
March 19 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.
March 23 10:00 a.m.	PCB 90-8 P-A	<u>The City of Metropolis v. EPA</u> - Metropolis City Hall, City Council Chambers, 106 West 5th Street, Metropolis.
March 26		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
April 1 10:30 a.m.	PCB 90-197 P-A	<u>The Celotex Corporation v. EPA</u> - Adams County Building, Small Jury Room, 521 Vermont St., Quincy.
April 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

April 16 10:00 a.m. April 23	PCB 91-57 P-A	<u>Monsanto Company v. EPA</u> - Sauget Village Hall, 2897 Falling Springs Road, Sauget. Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
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April 30 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.
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Calendar Code

A-C	Administrative Citation	A-E	Air Enforcement
A-S	Adjusted Standard	A-V	Air Variance
CSO	Combined Sewer Overflow Exception	L-E	Land Enforcement
L-S-R	Landfill Siting Review	L-V	Land Variance
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
SO ₂	SO ₂ Alternative Standards	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule (35 ILL. ADM. CODE 302.211(F))
T-C	Tax Certifications	T-S	Trade Secrets
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception	UST-E	Underground Storage Tank Enforcement
UST-FRD	Underground Storage Tank Fund Reimbursement Determination		

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