

ENVIRONMENTAL REGISTER

No. 434

August 21, 1991

BOARD SENDS USED AND WASTE TIRES REVISIONS (R90-9(B)) TO FIRST NOTICE

On August 8, 1991 the Board voted (7-0) to send R90-9(B), Management of Used and Waste Tires, to First Notice publication in the Illinois Register. The proposed rules provide for the repeal of existing management standards of 35 Ill. Adm. Code 849, refinement of pesticide treatment provision and a revised exemption for tire retreaders/recyclers from certain management standards adopted April 25, 1990 in Docket R90-9(A).

Copies of the Opinion are available from the Clerk of the Board at (312) 814-3620. Questions concerning the proposal may be directed to Mark P. Miller at (217)333-5573.

BOARD ADOPTS RCRA UPDATE (R91-1)

On August 8, 1991, the Board adopted a Final Opinion and Order in the RCRA Update, R91-1. The vote was 7-0, with Mr. Forcade concurring.

The RCRA hazardous waste program regulates the generation, transportation, treatment, storage and disposal of hazardous waste. Sections 7.2 and 22.4(a) of the Act requires the Board to adopt regulations which are "identical in substance" to USEPA regulations. The Board's RCRA regulations are in 35 Ill. Adm. Code 702 through 705, and 720 through 728. These are derived from USEPA regulations at 40 CFR 260 through 270.

R91-1 updates the Board's RCRA regulations to include USEPA actions appearing in the Federal Register between July 1 and December 31, 1990. USEPA actions include rules on refinery sludge and wood preserving wastes. With respect to the latter, the Board also addressed a USEPA stay and correction which appeared on June 13 and July 1, 1991. The Board also modified rules concerning zinc production wastes to reflect a federal court remand in American Mining Congress v. USEPA, 907 F.2d 1179 (DC 1990).

The rules will be filed and will appear in the Illinois Register after September 9, 1991. Questions should be directed to Morton Dorothy at 217/ 333-5575.

BOARD CORRECTS R90-11 (RCRA UPDATE)

On August 8, 1991, the Board corrected the rules adopted in R90-11 to conform with the Board's Orders of April 11 and May 23, 1991. Due to an editorial error, the entry in 35 Ill. Adm. Code 728.Table A for F024, Lead, Non-wastewaters was incorrect as filed and published in the Illinois Register. The correction will appear in the Illinois Register as an amended rule in the near future. Questions should be directed to Morton Dorothy at 217/ 333-5575.

BOARD ADOPTS UST UPDATE (R91-2)

The Underground Storage Tank (UST) program regulates petroleum and hazardous substances in underground storage tanks. It is mandated by Section 7.2 and 22.4(d) of the Act. It is contained in 35 Ill. Adm. Code 731, which reflects USEPA regulations in 40 CFR 280.

On July 25, 1991, in R91-2, the Board updated the UST rules to include USEPA regulations adopted during the period July 1 through December 31, 1990. The major action during this period was the extension of time for compliance with financial responsibility rules for owners of fewer than 13 USTs and units of local government. The private owners have until October 26, 1991, to comply. Government owners have an indefinite period of time, depending on future USEPA rulemaking.

As provided in R89-19, April 26, 1990, these persons would meet the financial assurance requirement if, in the event of a release, they would be eligible for the State Fund under Section 22.13 of the Act.

R91-2 did not address the effects of P.A. 86-1050 and 86-1484, pending possible revisions to the legislation.

The text of the adopted rules will appear in the Illinois Register after August 26, 1991. Questions should be directed to Morton Dorothy at 217/ 333-5575.

BOARD AND STAFF ACTIVITIES

Board Member Ronald C. Flemal has been appointed Vice-Chair of the Illinois State Bar Association's Environmental Control Law Section Council for the 1991-92 fiscal year.

FOR YOUR INFORMATION

CHICAGO SECTION AMERICAN CHEMICAL SOCIETY LECTURE FOCUSSES ON LOCAL ENVIRONMENT

Dr. Leon Halloran, Consultant, Allied Signal Research and Technology, will present a lecture title "Saving the Environment: Volunteers in Natural Access Management". The lecture will focus on efforts of local area volunteers to preserve and protect the area's natural prairies and wetlands. The lecture will be presented at 5:30 p.m. at the Holiday Inn - O'Hare, 5440 N. River Road on Friday, September 20. The meeting is open to the public. For further details, call Mr. Ron Sykstus, (708) 647-8405.

FINAL ACTIONS - AUGUST 8, 1991 BOARD MEETING

- PCB 90-61 People of the State of Illinois v. Duraco, Inc., a Delaware Corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent neither admitted nor denied alleged violations of the Act and Board air pollution regulations and agreed to pay a civil penalty of \$4,000 designated to the Environmental Protection Trust Fund concerning its Cook County facility. Board Member J. Theodore Meyer dissented. Board Member J.D. Dumelle concurred.
- PCB 90-152 People of the State of Illinois v. Panhandle Eastern Pipeline Co., a Delaware Corp. - The Board accepted the Stipulation and Settlement Agreement executed by the parties in which respondent admitted to violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$5,000 designated to the Environmental Protection Trust Fund and to cease and desist from further violations at its Douglas County facility. Board Member J. Theodore Meyer dissented and Board Member J.D. Dumelle concurred.
- PCB 91-66 Village of Bensenville 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 combined radium-226 and radium-228 standard in drinking water for its DuPage County facility. Board Member J.D. Dumelle concurred and Board Member B. Forcade dissented.
- PCB 91-100 Pierce & Stevens Corp., v. IEPA - This matter was dismissed on petitioner's motion.
- PCB 91-130 Edgewood Bank Trust 389 (Vernon F. La Chappelle, Designee) as owner and operator of Scotty's Incorporated v. IEPA - The Board construed that the Agency erred in applying the \$100,000 deductible, remanded the matter to the Agency for an appropriate deductible and closed the docket.
- AC 89-72
Docket B IEPA v. City of West Frankfort - No hearing costs were incurred by the Agency and Board in this matter, and the statutory penalty having been imposed, this docket was closed.
- AC 90-26
A & B IEPA v. ESG Watts, Inc., a foreign corp. licensed in Illinois - The Board granted respondent's motion to withdraw its petition for review and found that it once violated Sections 21(p)(2) and 21(p)(3) of the Act, twice violated Sections 21(p)(1) and 21(p)(5) of the Act, imposed a penalty of \$3,000 for deposit into the Environmental Protection Trust Fund, closed Docket A and ordered the Agency and the Board to file a statement of its hearing costs, supported by affidavit, with service upon respondent.
- AC 90-36
Docket B IEPA v. ESG Watts, Inc. - The Board ordered respondent to pay as hearing costs incurred by the Board and Agency the amount of \$2,184.23 for deposit into the General Revenue Fund and closed the docket. Board Members J.D. Dumelle and J. Theodore Meyer dissented.
- AC 91-28 IEPA v. George Ribble - This matter was dismissed on the Agency's motion. Board Members J. Anderson and J. Dumelle concurred.

- AC 91-29 County of Ogle v. Browning Ferris Industries - The Board found respondent violated Section 21(p)(5) of the Act and imposed a fine of \$500.
- AC 91-30 Logan County Health Dept. v. Lincoln/Logan Landfill, Inc. - The Board found respondent violated Sections 21(p)(1), 21(p)(5), 21(p)(11) and 21(p)(12) of the Act and imposed a fine of \$2,000.
- AC 91-33 St. Clair County v. Thomas Hubbard - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.
- R89-7
Docket B In The Matter of: Continuous Monitoring Rules and Repeal of New Source Performance Standards and Hazardous Air Pollutant Regulations - This rulemaking repeals 35 Ill. Adm. Code Parts 230 and 231 in their entirety. This action does not cause any substantive amendment to the Existing NSPS and NESHAPS provisions enforceable under Section 9.1 of the Act.
- R91-1 In The Matter Of: RCRA Update, USEPA Regulations (7-1-90 through 12-31-90) - This rulemaking updates Illinois' RCRA rules to correspond with federal amendments during the period July 1 through December 31, 1990. Board Member B. Forcade concurred.
- R91-11 In The Matter of: Certain Hazardous Wastes From Primary Zinc Smelting and Refining, 35 Ill. Adm. Code 721.104(B)(7)(U) - The Board dismissed this emergency rulemaking proceeding after taking appropriate action in docket R91-1, Final Opinion and Order, adopted August 8, 1991. Board Member B. Forcade concurred.

NEW CASES - AUGUST 8, 1991 BOARD MEETING

- PCB 91-128 Oather Druen et al v. James Leonard - Complainant alleges violations of the Act and Board air and noise pollution regulations at respondent's LaSalle County facility. Held until August 22, 1991.
- PCB 91-129 People of the State of Illinois v. City of Bloomington - Complainant alleges violations of Act and Board public water supplies regulations at respondent's McLean County facility. Hearing mandatory.
- PCB 91-130 Edgewood Bank Trust 389 (Vernon F. La Chappelle, Designee) as owner and operator of Scotty's Incorporated v. IEPA - See Final Actions.
- PCB 91-131 Salvation Army v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Lake County facility. Accepted for hearing.
- PCB 91-132 Quantum Chemical Corp., USI Division v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Grundy County facility. Accepted for hearing.
- PCB 91-133 Lawrence Cadillac v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination for its Cook County facility. Accepted for hearing.
- PCB 91-134 Safety-Kleen Corp. v. IEPA - Petitioner seeks review of the Agency's partial approval/denial of Class 2 modification request and RCRA Part B permit revisions for its Kane County facility. Accepted for hearing.
- PCB 91-135 Village of Bloomingdale v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations for its DuPage County facility. Held for Agency Recommendation.

CALENDAR

- August 29 SWH-E EPA v. Fred Johnson, Johnson & Briggs Tank Truck Service, a/k/a Johnson & Briggs Tank
9:30 a.m. Truck & Heater Service - PCB 90-89, Edwards County Courthouse, 50 E. Main St., Albion.
- August 29 UST-FRD Walter J. Maquet and Marlene G. Maquet d/b/a Maquet's 66 Service - PCB 90-136,
9:30 a.m. Tazewell County Courthouse, County Board Room, Court Street, Pekin.
- August 29 A-C EPA v. Quantum Chemical Corporation - AC 89-275, Tuscola City Council Chambers,
10:00 a.m. Tuscola Community Building, 122 W. North Central, Tuscola.
- August 29 R In the Matter of: General Motors Corp. Site-Exception to 35 Ill. Adm. Code 216.381 for 9:30 a.m.
Ferrous Foundries in Vermillion County - R90-23, Danville City Hall, 402 N. Hazel, Danville.
- August 30 P-A Safety-Kleen Corporation v. EPA - PCB 91-82, Tazewell County Courthouse, County

9:15 a.m. Boardroom, Court Street, Pekin.

September 3 P-A Jefferson Smurfit Corporation v. EPA - PCB 88-175, Council Chambers, Alton City Hall, 10:00 a.m. 101 E. Third St., Alton.

September 4 UST Williamson Adhesives, Inc. v. EPA - PCB 91-112, State of Illinois Center, Suite 11-500, 9:30 a.m. 100 W. Randolph St., Chicago.

September 5 UST-FRD Paul Rosman v. EPA - PCB 91-80, State of Illinois Center, 100 W. Randolph, Suite 9:30 a.m. 11-500, Chicago.

September 10 UST-FRD North Suburban Development Corp. v. EPA - PCB 91-109, State of Illinois Center, 10:30 a.m. 100 W. Randolph St., Suite 11-500, Chicago.

September 12 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

September 16 P-A Olin Corporation v. EPA - PCB 89-178, Alton City Hall, 101 E. Third St., Alton. 10:00 a.m.

September 16 N-E Vito Zivoli & Stella Podczerwinski v. Somebody's Bar & Restaurant and Progress Inv. II -10:00 a.m. PCB 90-200, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago.

September 18 R In the Matter of: Repeal of 35 Ill. Adm. Code 809. Subpart I: Hazardous (Infectious) Hospital Waste - R91-18, State of Illinois Center, 100 W. Randolph, Room 9-031, Chicago. 9:00 a.m.

September 18 R In the Matter of: Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities - R91-20, State of Illinois Center, 100 W. Randolph, Room 9-031, Chicago. 11:00 a.m.

September 18 R In the Matter of: Potentially Infectious Medical Waste (PIMW): Transportation, Packaging, and Labeling - R90-21, State of Illinois Center, 100 W. Randolph, Room 9-031, Chicago. 11:00 a.m.

September 19 R In the Matter of: Diesel Vehicle Exhaust Opacity Limits - R90-20, State of Illinois Center, 10:00 a.m. 100 W. Randolph, Room 9-040, Chicago.

September 19 R In the Matter of: Repeal of 35 Ill. Adm. Code 809. Subpart I: Hazardous (Infectious) Hospital Waste - R91-18, Research Institute Building, Conference Room, 148 N. Third St., DeKalb. 10:00 a.m.

September 20 P-A American Steel & Wire Corporation v. EPA - PCB 90-188, Will County Courthouse, Room 9:30 a.m. 439, 14 W. Jefferson St., Joliet.

September 23 PWS-E Wonder View Improvement Association v. Northern Illinois Utilities, Inc. - PCB 91-48, 10:00 a.m. McHenry City Hall, 333 S. Green, McHenry.

September 25 P-A Monsanto Company v. EPA - PCB 91-57, Sauget Village Hall, 2897 Falling Springs Rd. 10:00 a.m. Sauget.

September 26 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

September 26 N-E Flamingo Lake, Joseph P. Comer and Michelle S. Comer v. Gallatin National Company and Senator Roger A. Keats, President - PCB 90-145, Canton City Hall, Council Chambers, 210 E. 10:00 a.m. Chestnut St., Canton.

September 26 UST-FRD Beer Motors Inc. v. EPA - PCB 91-120, Law Office of Delman & Hurwitz, 4709 W. Golf Road, Suite 1010, Skokie. 10:00 a.m.

September 27 A-E People of the State of Illinois v. Colwell/General, Inc. - PCB 89-180, State of Illinois Center, 9:30 a.m. 100 W. Randolph St., Suite 11-500, Chicago.

September 27 R Management of Used and Waste Tires (35 Ill. Adm. Code 848 - R90-9(B), State of Illinois 9:00 a.m. Center, 100 W. Randolph St., Room 9-031, Chicago.

October 2 A-C EPA v. Randall Loveless - AC 91-31, Macoupin County Courthouse, East 1st Street, Ground 9:00 a.m. Level, Carlinville.

- October 2 W-E Herman W. Prescott v. City of Sycamore - PCB 90-187, Holmes Student Center, Lucinda & 10:00 a.m. Normal Road, Room 505, DeKalb.
- October 3 N-E Karl Christ and Helen Christ v. Compost Enterprises, Inc. - 10:00 a.m. PCB 91-50, McHenry City Hall, 333 S. Green St., McHenry.
- October 3 W-E Herman W. Prescott v. City of Sycamore - PCB 90-187, Holmes Student Center, Lucinda & 10:00 a.m. Normal Road, Room 505, DeKalb.
- October 3 R In the Matter of: Diesel Vehicle Exhaust Opacity Limits - R90-20, State Capitol Building, 10:00 a.m. Committee Room 118, Springfield.
- October 4 PWS-V Village of Fox River v. EPA - PCB 91-104, Fox River Grove Village Hall, 408 Northwest 9:30 a.m. Highway, Fox River Grove.
- October 7 P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, 9:30 a.m. Loyola Law School, Corboy Courtroom, 1 East Pearson, Chicago.
- October 8 P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, 9:30 a.m. Loyola Law School, Corboy Courtroom, 1 East Pearson, Chicago.
- October 9 P-A CWM Chemical Services, Inc. v. EPA and People of the State of Illinois - PCB 89-177, 9:30 a.m. Loyola Law School, Corboy Courtroom, 1 East Pearson, Chicago.
- October 10 P-A The Celotex Corporation v. EPA - PCB 90-197, Adams County Building, Small Jury Room, 10:30 a.m. 521 Vermont St., Quincy.
- October 10 N-E David L. Dravis & Margo Dravis v. M & D AG, Jerry McGinn, and Bert Davis - PCB 90-10:00 a.m. 201, Coliseum Building, 212 3rd Avenue, 2nd Floor, Sterling.
- October 10 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- October 15 N-E, A-E Susan Curtis and Marcy Diesing v. Material Service Corporation - PCB 91-30, Crystal Lake 10:00 a.m. City Hall, Council Chambers, 100 W. Municipal Complex, Crystal Lake.
- October 16 N-E, A-E Susan Curtis and Marcy Diesing v. Material Service Corporation - PCB 91-30, Crystal Lake 10:00 a.m. City Hall, Council Chambers, 100 W. Municipal Complex, Crystal Lake.
- October 17 P-A Indian Refining Limited Partnership v. EPA - PCB 91-110, Lawrenceville Civic Center, 10:00 a.m. Downstairs Meeting Room, 700 E. State St., Lawrenceville.
- October 22 P-A Burlington Northern Railroad Company v. EPA - PCB 91-11, Knox County Courthouse, 10:00 a.m. Conference Room, 110 S. Cherry St., Galesburg.
- October 24 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 7 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 14 A-S In the Matter of Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 301.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria - AS 90-4, City Hall, Mayor's Conference Room, Second Floor, 200 Edison Avenue, Granite City. 10:00 a.m.
- November 14 P-A Stepan Company v. EPA - PCB 90-42, Will County Courthouse, 14 W. Jefferson St., Joliet. 9:30 a.m.
- November 21 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.**
- November 21 P-A The City of Metropolis v. EPA - PCB 90-8, Metropolis City Hall, City Council Chambers, 10:30 a.m. 106 W. 5th St., Metropolis.

December 5 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

December 19 Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

* Times and locations of hearings and meetings appearing in the Environmental Register are subject to cancellation or rescheduling without notice. Confirmation of that information may be obtained from the Clerk of the Board at 312/814-6931.

** The Pollution Control Board meetings listed in the calendar (highlighted) are unlike the other hearings listed in that, while they are open to the public, public participation is generally not allowed, except upon the granting of a motion for oral argument.

CALENDAR CODE:

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|-----------------|---|-------|--|
| 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-FRD | UNDERGROUND STORAGE TANK FUND REIMBURSEMENT DETERMINATION | | |