

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 442

December 18, 1991

RULEMAKING UPDATE

BOARD ADOPTS FINAL ORDER IN R89-5, GROUNDWATER PROTECTION: REGULATIONS FOR EXISTING AND NEW ACTIVITIES WITHIN SETBACK ZONES AND REGULATED RECHARGE AREAS ("TECHNICAL STANDARDS").

BOARD ISSUES RESOLUTION 91-1, REFUSING TO MODIFY THE RULES TO MEET JOINT COMMITTEE ON ADMINISTRATIVE RULES OBJECTION

On December 6, 1991, the Board adopted R89-5 as a final rule in an Opinion and Order (7-0 Opinion and Order of the Board by R. C. Flemal with J. D. Dumelle and J. Theodore Meyer concurring). The rulemaking has been conducted pursuant to Section 14.4 of the Environmental Protection Act which mandates that the Board adopt regulations prescribing standards and requirements for certain activities within setback zones and regulated recharge areas. The set of affected activities includes, in general, those activities that offer significant potential for producing groundwater contamination. Affected activities in the adopted rule are landfilling, land treating, surface impounding, piling of wastes, use of underground storage tanks, storage of pesticides, fertilizer, road oil, or road de-icing agents.

On November 19, 1991, the Joint Committee on Administrative Rules (JCAR) objected to the rules based on their concern over the impact on certain small businesses. On December 6, 1991, the Board, in conjunction with the adoption of the rules in R89-5, issued Resolution 91-1. The Resolution consists of the Board's formal response to the JCAR objection wherein the Board refused to modify the rules in order to meet the objection. In general, the Board stated that it had previously modified the rules to lessen the burden on small businesses, particularly those related to the handling and storage of pesticides and fertilizers. Any further modification could not be made consistent with the statutory mandate and in consideration of the record before it, the Board stated. Also, the Board noted that other options are available under the Act, including the adjusted standard procedures or the filing of proposals to amend regulations. Copies of the Board's December 6, 1991 Opinion and Order and Resolution are available from the Board offices at the phone number and address listed in this issue. Please give the December 6, 1991 date and docket numbers R89-5 and Res 91-1 when requesting copies. Further information can be obtained from Michelle Dresdow, (815) 753-0947.

UIC UPDATE AND PRETREATMENT UPDATE DOCKETS DISMISSED, R91-16 & R91-17

These dockets were reserved by the Board for updating the UIC and pretreatment rules to include USEPA regulations adopted between January 1, 1991 and June 30, 1991. However, USEPA did not amend those rules during that period and the Board therefore dismissed the dockets.

BOARD AND STAFF ACTIVITIES

BOARD MEMBER JACOB D. DUMELLE, P.E., RETIRES IN DECEMBER 1991

Board Member Jacob D. Dumelle will retire from the Board at the end of December, 1991, after over 20 years of dedicated service to the environmental initiatives of Illinois. The Board will be presenting Board Member Dumelle with a Resolution at the December 19, 1991 Board Meeting which will commemorate his years of service and achievement. Parts of the Resolution are summarized below.

In July, 1970, Board Member Dumelle was appointed by Governor Richard B. Ogilvie to his first three year term on the newly created Illinois Pollution Control Board. Since that time, Board Member Dumelle has been consecutively reappointed for a total of 21 years on the Board. During that time he served as Chairman of the Pollution Control Board for fifteen years (August, 1973 until November, 1988).

During his unprecedented period of service on this Board, Jacob D. Dumelle exhibited an unending enthusiasm for probing environmental initiatives that have established a record of significant and lasting accomplishment for the Board. He also donated his services to civic and professional groups involved in enhancing environmental quality, and received many honors and awards for his devoted service to improving the environment. Board Member Dumelle has been honored by the Illinois Environmental Council (Earth Day, 1980), the Air Pollution Control Association (Honorary Conference Chairman, 1983), and the Chicago Lung Association (Environmental Service, 1990) to name just a few.

The Board congratulates its colleague, Board Member Dumelle, for his many years of service in the interest of human health and the environment and wishes for and anticipates continuing success and accomplishment in his future endeavors.

FINAL ACTIONS - DECEMBER 6, 1991 BOARD MEETING

PCB 85-95 Citizens Utilities Co. of Illinois v. IEPA et al.
-The Board granted petitioner's motion for reconsideration of its October 24, 1991 Order but declined to grant the relief requested therein relating to its Will County facility. Board Member R. Flemal abstained and Board Member B. Forcade concurred.

PCB 89-177 CWM Chemical Services, Inc. v. IEPA and the People of the State of Illinois - The Board found petitioner's motion to remand untimely, found the Agency followed the Part 705 procedural requirements and denied petitioner's motion to remand for correction of procedural defects concerning its Cook County facility. Board Members R. Flemal, J. Theodore Meyer and M. Nardulli dissented.

PCB 89-184 The Grigolet Co. v. IEPA - The Board struck the Agency's citation in its denial letter, granted in part petitioner's motion for sanctions, reversed the Agency's denial of its application for an operating permit and directed the Agency to issue an operating permit concerning petitioner's Macon County facility. Board Members J. Dumelle and B. Forcade dissented.

PCB 90-60 People of the State of Illinois v. Allied-Hastings Barrel and Drum Service, Inc. - The Board accepted the Stipulation and Settlement Agreement in which respondent agreed to pay the sum of \$3,000 designated to the Environmental Protection Trust Fund and to cease and desist from alleged violations at its Cook County facility. Board Member J. Theodore Meyer dissented.

PCB 90-112 People of the State of Illinois v. Chicago Heights Refuse Depot, Inc. - The Board, upon review of respondent's motion for reconsideration and memorandum, denied the motion concerning petitioner's Cook County facility. Board Member J.D. Dumelle dissented.

PCB 90-136 Walter J. Maquet and Marlene J. Maquet, d/b/a Maquets's 66 v. IEPA - The Board reversed the Agency determination of a \$50,000 deductible and remanded the matter to the Agency concerning petitioner's Tazewell County facility. Board Member J. Anderson dissented.

PCB 91-7 Land and Lakes Co., et al v. Village of Romeoville et al. - The Board granted Romeoville's and Will County's motion to reconsider its August 27, 1991 opinion and order, vacated that portion of the order finding that Romeoville failed to comply with Section 39.(d) of the Act and remanded the matter to the Village of Romeoville for a definitive determination on Criterion 1 of Section 39.2(a) of the Act, Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1039(d), consistent with the Board's Supplemental Opinion and Order concerning petitioner's Will County facility. Board Members J.G. Anderson and B. Forcade concurred and Board Members J.D. Dumelle and J.T. Meyer dissented.

PCB 91-81 Safety-Kleen Corp., (Caseyville Facility) v. IEPA - This matter was dismissed on petitioner's motion, with prejudice.

PCB 91-82 Safety-Kleen Corp., (Pekin Illinois) v. IEPA - This matter was dismissed on petitioner's motion, with prejudice.

PCB 91-109 North Suburban Development Corp. v. IEPA - The Board affirmed the Agency's determination regarding the non-reimbursability of remediation costs incurred by petitioner concerning its Cook County facility. Board Members J. Anderson and M. Nardulli dissented.

PCB 91-150 People of the State of Illinois v. World's Finest Chocolate, Inc. - The Board accepted the Stipulation and Settlement Agreement in which respondent admitted to violations of the Act and Board air pollution regulations, agreed to pay a civil penalty of \$4,000 designated to the Environmental Protection Trust Fund and to cease and desist from the alleged violations concerning its Cook County facility. Board Members J.D. Dumelle and J. Theodore Meyer dissented.

PCB 91-155 Seaco, Inc. v. IEPA - This matter was dismissed on petitioner's motion.

PCB 91-191 Grand Soo, Inc. v. IEPA - This matter was dismissed on petitioner's motion, with prejudice.

PCB 91-239 Precoat Metals v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations concerning 90-day on-site limitations for hazardous wastes at its Madison County facility. Board Members J.D. Dumelle and B. Forcade concurred.

PCB 91-240 Amox Coal Co., Wabash Mine v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance, with conditions, from the Board's water pollution regulations concerning its Massac County facility. Board Members J.D. Dumelle and B. Forcade concurred.

R89-5 In The Matter Of: Groundwater Protection: Regulations for Existing and New Activities Within Setback Zones and Regulated Recharge Areas (35 Ill. Adm. Code 601, 615, 616 and 617) ("Technical Standards") - This matter was adopted as a final rule, fulfilling the mandate of Section 14.4 of the Environmental Protection Act.

R91-16 In The Matter Of: UIC Update, USEPA Regulations (1-1-91 through 6-30-91) - This matter was dismissed as there was no update of UIC rules by the USEPA for this period.

R91-17 In The Matter Pretreatment Update (1-1-91 through 6-30-91) This matter was dismissed as there was no update of pretreatment rules by the USEPA for this period.

AC 90-56 (B) IEPA v. Steve Gilbert - The Board reopened this docket and denied petitioner's motion to reconsider contested hearing costs. Board Member J.T. Meyer concurred.

NEW CASES - DECEMBER 6, 1991 BOARD MEETING

PCB 91-214 North Oak Chrysler Plymouth v. Amoco Oil Co. - Petitioner alleges violations of the Act and Board waste disposal regulations at respondent's Cook County facility. Accepted for hearing.

PCB 91-232 Lyons/Paulina Kerpec Trust Fund #103 (Cy Kerpec and Lucille Taylor v. IEPA) - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Cook County facility. Accepted for hearing.

PCB 91-233 L.D. Redmer Screw Products, Inc. v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its DuPage County facility. Accepted for hearing.

PCB 91-234 Safety-Kleen Corp., (Pekin, Illinois) v. IEPA - Petitioner seeks permit review concerning its Tazewell/Peoria facility. Accepted for hearing.

PCB 91-235 Marsco Mfg. Co. v. IEPA - Petitioner seeks variance for its Cook County facility. Additional information requested.

PCB 91-236 City of Kewanee v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations concerning Standards for Issuance and

Restricted Status relating to radium -226, radium -228 and gross alpha particle activity for its Henry County facility. Held for Agency Recommendation.

PCB 91-237 Laidlaw Environmental Services of Illinois, Inc., v. IEPA - Petitioner seeks permit review concerning its Winnebago County facility. Accepted for hearing.

PCB 91-238 Laidlaw Environmental Services of Illinois v. IEPA -Petitioner seeks permit review concerning its Winnebago County facility. Accepted for hearing.

PCB 91-239 Precoat Metals, v. IEPA - See Final Actions.

PCB 91-240 Amax Coal Co., Wabash Mine v. IEPA - See Final Actions.

PCB 91-241 Safety-Kleen Corp. (Caseyville, Illinois) v. IEPA -Petitioner seeks permit review concerning its Cook County facility. Accepted for hearing.

PCB 91-242 Arthur J. Ferrari v. IEPA - Petitioner seeks review of an underground storage tank reimbursement determination concerning its Cook County facility. Accepted for hearing.

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.

December 20 10:00 a.m.	AC 91-38 A-C	<u>Clyde R. Dace v. D. Kohlase, Fire Chief, Fox River Grove Fire Protection District</u> - McHenry County Courthouse, Courtroom 311, 2200 N. Seminary, Woodstock.
December 27 9:00 a.m.	PCB 90-31 W-V	<u>R. Lavin & Sons, Inc. v. EPA</u> - Little Fort Media Conference Room, 113-115 N. Genesee, Waukegan.
January 3 9:30 a.m.	PCB 91-193 A-E	<u>People of the State of Illinois v. Park Crematory, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
January 7 9:30 a.m.	PCB 91-204 UST-FRD	<u>Lewis Brothers Bakeries, Inc. v. EPA</u> - Collinsville City Hall, 125 S. Center St., Collinsville.
January 7 10:00 a.m.	PCB 91-223 L-S-R	<u>Waste Hauling, Inc. v. Macon County Board</u> - Macon County Building, 253 E. Wood St., Decatur.
January 7 9:00 a.m.	R 90-1 R	<u>Toxic Air Contaminants List (35 Ill. Adm. Code Part 232)</u> - Stratton Office Building, Room D-1, 104 S. Spring St., Springfield.
January 8 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 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, 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 - McDonough County Courthouse, Law Library, Third Floor, Macomb.</u>
January 15 9:00 a.m.	PCB 91-175 P-A	<u>Ball Corporation, Ball Metal Decorating & Service Division v. EPA - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
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 - Champaign County Courthouse Annex Meeting Room 2, 204 E. Elm St., Urbana.</u>
January 15 1:00 p.m.	PCB 91-174 UST-FRD	<u>Enterprise Leasing Company (Chicago Heights) v. EPA - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
January 16 10:00 a.m.	PCB 91-190 UST-FRD	<u>State Bank of Whittington v. EPA - State Bank of Whittington, Conference Room, Whittington.</u>
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 - Robinson Community Center, 300 S. Lincoln, Robinson.</u>
January 17 10:30 a.m.	PCB 91-136 N-E	<u>Don Bolander v. Monticello Bus Service, Wayne Kruger, President - County Board Room, Room 104, 101 W. Washington St., Monticello.</u>
January 17 10:00 a.m.	PCB 91-222 P-A	<u>Ronk Electrical Industries, Inc. v. EPA - City Council Chambers (Second Floor), Nokomis City Hall, 111 S. Pine, Nokomis.</u>
January 22 10:00 a.m.	PCB 91-203 UST-FRD	<u>Export Packaging Co., Inc. (Moline Facility) v. EPA - County Office Building, County Boardroom, Third Floor, 1504 Third Avenue, Rock Island.</u>
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 - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.</u>
January 28 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 -State of Illinois Center, Room 9-040, 100 W. Randolph St., Chicago.</u>
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 - Peoria County Courthouse, Peoria County Board of Supervisors, Jefferson & Main, Peoria.</u>
January 30 10:00 a.m.	PCB 91-128 N-E	<u>Oather Druen, Evelyn Druen and Amy Pirtle v. James Leonard - Criminal Justice Center, 707 Etna Road, Ottawa.</u>
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 -State Capitol Building, Room 400, Springfield.</u>
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. - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.</u>
January 31 10:00 a.m.	PCB 91-224 L-S-R	<u>5027 Corp. v. City of Moline - City Hall, Council Chamber, Third Floor, 1528 Third Avenue, Rock Island.</u>
February 6		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
February 14	PCB 91-172	<u>John Plosila v. Bandito Barney's, First American Bank (Wallace Wolff) Trust No. 89-008 and</u>

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

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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Environmental Mailing List Name and Address Corrections

The Pollution Control Board has reduced its mailing costs for the Environmental Register by instituting a new address label system. The Board began this change by updating its mailing list several months ago. In an effort to keep the cost of the Environmental Register to a minimum, the Board is requesting that readers please check the name and address of the mailing label for accuracy, especially the zip code. If a correction needs to be made, please send the mailing label (or a copy) **and** the corrections to:

Vicky Agyeman
100 W. Randolph Street
Suite 11-500
Chicago, IL. 60601

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

Bill S. Forcade
Nardulli
Chicago, Illinois

Jacob D. Dumelle
Oak Park, Illinois

J. Theodore Meyer
Chicago, Illinois

Ronald C. Flemal
Dekalb, Illinois

Michael L.
Chicago, Illinois

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Address Correction Requested.

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