

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 480

March, 1994

THE BOARD INTENDS TO REVITALIZE ITS "TWO-DAY" AGENDA CUTOFF RULE, 35 Ill. Adm. Code 101.181

Chairman Manning has implemented a number of changes in internal Board procedures in an effort to enhance the Board's efficiency in managing its docket. One change that will potentially affect those appearing before the Board is full implementation of a 1989 Board procedural rule that provides for a two-day cutoff on filings before a Board meeting.

Section 101.181 of the Board's procedural rules states: "Unless the Board determines that undue delay or material prejudice will result, no document received by the Clerk after 4:30 p.m. two days before a scheduled Board meeting will be placed on the agenda for that Board meeting. Any such filing will appear on the agenda for the next regularly scheduled Board meeting."

In the past, the Board had taken a liberal approach and routinely accepted documents filed on the Tuesdays before Thursday meetings. Since the Board's meetings begin at 10:30 a.m., this often left the Board with one day to distribute the necessary documents internally and deliberate on them.

The Board will no longer routinely place items on its agenda unless the filing is received by the Board before 4:30 p.m. fully two days before the meeting. For example, most filings received after 4:30 p.m. on Monday will not appear on the Thursday agenda for that week. The exceptions will be provisional variance recommendations filed by the Agency and those filings qualifying for the exemption provided within the rule.

RULEMAKING UPDATE

REPEAL OF STAGE II VAPOR RECOVERY ADOPTED FOR THE METRO-EAST AREA, R93-28

On February 17, 1994, the Board adopted the repeal of the Stage II vapor recovery rules that formerly applied in the metropolitan East St. Louis statistical area (Madison, Monroe, and St. Clair Counties in Illinois). The Stage II rules required gasoline dispensers (primarily gasoline service stations) to install and maintain equipment to control the release of gasoline vapors while dispensing fuel. The rules were a part of the reasonably available control technology (RACT) regulations for the control of ground-level ozone formation in the Metro East non-attainment area.

The Board adopted the Stage II regulations on August 13, 1992, in docket R91-30. (*Issue 456, Sept. 2, 1992.*) In docket R93-10, the Board adopted an emergency rule on petition from the Illinois EPA (Agency) that had the effect of delaying a May 1, 1993 effective date until October 15. In that proceeding, the Agency indicated its intent to file for a repeal of the regulations for the Metro-East area. (*Issue 471, June 16, 1993.*)

The Agency filed a proposal on October 21, 1993 for the repeal of these regulations. The Agency indicated that the U.S. EPA intended to promulgate regulations requiring on-board vehicle controls for gasoline vapor recovery systems. This federal action, which obviated the need for controls at the dispensing facility, were adopted by U.S. EPA on January 24, 1994. So that no time would be lost in the repeal of the Stage II rules, the Board granted an Agency motion for expedited decision on October 21, 1993 (*issue 476, Nov. 3, 1993*) and proposed the repeal for First Notice on November 4, 1993 (*issue 477, Dec 1, 1993*), contingent on the adoption of the new U.S. EPA on-board vehicle controls. On January 20, 1994, the Board proposed the repeal for Second Notice review by the Joint Committee on Administrative Rules (JCAR).

(*Issue 479, Feb. 1, 1994.*) The Board was free to adopt the proposed repeal after it received a Certificate of No Objection from JCAR on February 25, 1994. The repeal became effective when filed with the Secretary of State on March 8, 1994. The repeal of the Stage II vapor recovery rules for the Metro-East area does not affect the similar Stage II rules that presently apply in the Chicago metropolitan area.

Direct questions to Michelle C. Dresdow, at 815-753-0947. Please refer to docket R93-28.

ARMY CORPS. DREDGING WATER QUALITY RULE ADOPTED, R92-17

On February 3, 1994, the Board adopted regulations that will govern the placement of dredged material along the Illinois River between miles 80.2 and 291 by the Army Corps. of Engineers during dredging operations. This rule imposes alternative limitations on the placement of dredged material, in place of the former prohibition against causing offensive conditions or a violation of the water quality limitations for dissolved oxygen, total lead, total zinc, total copper, and ammonia nitrogen and un-ionized ammonia. The alternative limitations would allow bankline deposition during dredging operations, and would govern the percent of fine-grained material in the dredge cut and the area of the water that does not comply with the water quality standards. The limitations would require the Army Corps. to hold a Water Quality Certification for the dredging operations issued by the Agency pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341).

The Army Corps. filed a proposal on September 17, 1992, and the Board proposed the rule for First Notice public comment on September 26, 1993. (*See issue 475, Oct. 6, 1993.*) The Board held public hearings on June 22, 1993, in Peoria, and June 23, 1993, in Morris. On December 2, 1993, the Board proposed the rule for Second Notice review by the Joint Committee on

Administrative Rules (JCAR). The Board issued a supplemental opinion on December 16, 1993, in which it considered an additional public comment filed without changing the language of the proposed rule. The Board was free to adopt the rule after receiving a Certificate of No Objection from JCAR on January 14, 1994. The rule became effective when filed with the Secretary of State on February 14, 1994.

Direct questions to Michelle C. Dresdow, at 815-753-0947. Please refer to docket R92-17.

CORRECTIONS TO THE NEW SOURCE REVIEW RULES PROPOSED FOR SECOND NOTICE, R93-26

On February 17, 1994, the Board proposed corrective amendments to the new source review rules for Second Notice review by the Joint Committee on Administrative review (JCAR). The Board took this action under docket number R93-26, *Amendments to the New Source Review Rules, 35 Ill. Adm. Code 203*. These proposed amendments would correct a typographical error made in an earlier proceeding.

The Board adopted the new source review rules on April 22, 1993, under docket number R92-21. (*Issue 470, May 19, 1993*.) The Agency filed a motion, on October 1, 1993, requesting that the Board request a Certification of Correction to the adopted rules from the Joint Committee on Administrative Rules. The Agency stated that the failure to properly underline and strikeout text in its original proposal resulted in an error in Section 203.209(a)(4): emissions of particulate matter are significant if they exceed 25 tons per year (tpy), rather than 15 tpy. The Illinois Steel Group, a trade association, disagreed, stating that the error was substantive in nature, and that it deprived the public of the opportunity to comment on the intended change.

Although the Board agreed with the Agency that the error must be corrected as soon as possible, it did not want to appear to make a substantive amendment using the expedited correction process of Section 5-85 of the Administrative Procedure Act. For this reason, the Board chose to open a new docket on October 7, 1993 under Section 28.2 of the Environmental Protection Act. (*Issue 476, Nov. 3, 1993*.)

The Board held public hearings on the proposed amend-

ments on December 8, 1993 and January 27, 1994. The Board has since submitted the proposed amendments for review by JCAR. The Board will be free to adopt the proposed amendments after it receives a Certificate of No Objection from JCAR or 45 days after JCAR received the proposed amendments, whichever comes first.

Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. Please refer to docket R93-26.

DEADLINE EXTENDED IN CONTINGENCY PLAN UPDATE, R92-18

On February 3, 1994, the Board entered an order that will have the effect of extending the deadline in the R92-18, contingency plan update docket. This extension follows earlier extensions of March 25, 1993 and August 5, 1993. (*Issues 468, Apr. 7, 1993 & 474, Sept. 8, 1993*.)

The R92-18 docket would update the Illinois contingency plan regulations of 35 Ill. Adm. Code 750 to correspond with federal revisions to 40 CFR 300, the U.S. EPA contingency plan rules. The Board originally adopted Part 750 on July 16, 1984. These rules were last amended to correspond with federal amendments on June 24, 1985. Although U.S. EPA has since amended the corresponding federal regulations, the Board again delayed the proceeding at the request of the Illinois EPA. The Agency asserts that it is seeking legislative action in the present session of the General Assembly that will amend or repeal the mandate of Section 22.7 of the Act, which presently requires the Board to adopt and update these regulations.

Direct questions to Musette H. Vogel, at 217-524-8509. Please refer to docket R92-18.

BOARD EXTENDS DEADLINE IN PRETREATMENT UPDATE, R93-20

On February 3, 1994, the Board entered an order that extended the deadline of the wastewater pretreatment regulations docket, R93-20, until March 17, 1994. The Board did this to gain further time to decide what to do about the February 19, 1993 amendments to the federal sewage sludge management regulations.

Illinois does not have a counterpart program to the federal sludge rules, but we do have a wastewater pretreatment program. The federal sludge amendments had an impact on the federal wastewater pretreatment program, the body of regulations from which the Illinois pretreatment program derives. The federal pretreatment amendments, made as a segment of the federal sludge program, presented the Board with issues relating to whether it should proceed to adopt elements of a federal program for which Illinois has no regulatory counterpart. The Board intended to use the short delay to determine what further actions to undertake.

Direct questions to Elizabeth S. Harvey, at 312-814-6921. Please refer to docket R93-20.

APPELLATE UPDATE

SUPREME COURT OVERTURNS THIRD DISTRICT DETERMINATION THAT INDIVIDUAL WASTE

GENERATORS MUST OBTAIN §39(h) AUTHORIZATIONS FOR DISPOSAL

The Illinois Supreme Court recently reversed an Illinois Appellate Court decision and confirmed the Board's dismissal of a citizen's land enforcement complaint in Envirite Corp. v. EPA (Feb. 17, 1994), No. 75060, rev'g Envirite Corp. v. Pollution Control Board (3d Dist. 1993), 239 Ill. App. 3d 1004, 607 N.E.2d 302. Interpreting Section 39(h) of the Environmental Protection Act as amended while the appeal was pending before the Supreme Court, the Court held that the last waste treater is the generator for the purposes of authorization for deposit at a facility. Thus, the Court reversed the appellate court's determination that the General Assembly intended the authorization provision to apply to the initial generator of the waste.

In Envirite Corp. v. Peoria Disposal Corp. (Dec. 19, 1991), PCB 91-152, the complaint alleged that the respondent, Peoria Disposal Co. (PDC), violated the Environmental Protection Act because it disposed of hazardous wastes in its landfill without PDC, as the generator having first obtained authorization from the Agency for landfill disposal. (The complainant, Envirite Corp., was a competitor of PDC in treating the wastes at issue.) Section 39(h) of the Act requires that the generator of hazardous waste and the disposal site owner must obtain authorization from the Agency for the deposit of each specific hazardous waste stream.

In granting summary judgment, the Board held that PDC was the generator of the wastes for the purposes of the Act because PDC mixed and treated the wastes from various generators prior to disposal. Thus, the generator for the purposes of Section 39(h) was PDC, not the generator from whom PDC had received the unblended, untreated wastes, and PDC had the necessary Agency authorization for this blended and treated wastestream.

In reversing the Board, the Third District appellate court looked to the legislative intent and held, as to the dismissal of the complaint against PDC, that the original industrial producer of a hazardous waste is a "generator" for the purposes of Section 39(h), even where the disposal site owner and operator treated the waste prior to disposal. Hence, according to the court, the original producer of the waste is required to obtain Section 39(h) authorization for disposal from the IEPA. (See issue 464, Feb. 3, 1993.)

The Supreme Court began its analysis by noting that the General Assembly had amended Section 39(h) subsequent to the Third District's decision and while the appeal was pending before the Supreme Court. The Court noted that where vested rights are not involved, the reviewing court should follow the law as it exists at the time of its decision, not the law as it stood earlier. Concluding that there was no vested right "in the continuance of a law", the Court gave effect to the intervening amendments. The language added by the General Assembly clearly stated that the generator is the person who treats the waste prior to disposal, so PDC would be the generator of the wastes for the purposes of Section 39(h) authorization. The Supreme Court concluded that where a statute is clear, a court should apply its clear and unambiguous language.

FINAL ACTIONS - February 3, 1994 BOARD MEETING

93-121 Gunite Corporation v. EPA - The Board granted voluntary dismissal of this land permit appeal involving a Winnebago County facility.

93-162 Wilmer Brockman, Jr. and First Midwest Bank of Joliet as Trustee Under Trust No. 757 - The Board affirmed the Agency's denial of a permit to temporarily suspend waste acceptance by the petitioners involving a LaSalle County facility.

93-174 Applied Composites Corporation v. EPA - The Board granted voluntary dismissal of this air permit appeal involving a Kane County facility.

93-247 Valerie Johnson, Michael Brenston, Cheryl Johnson, People for Community Recovery, Inc. v. Emergency Preparedness & Disaster Services, Chicago Fire Department, and City

of Chicago, a municipal corporation - The Board granted respondents' motion to dismiss this citizens' enforcement action against a Cook County facility for their failure to provide information submitted under certain provisions of the federal Emergency Planning and Community Rights to Know Act (EPCRA) for lack of jurisdiction because the Environmental Protection Act did not fully incorporate the federal requirements.

93-256 People of the State of Illinois v. Greif Brothers, Inc. - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$41,500.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.

93-259	<u>People of the State of Illinois v. World's Finest Chocolate, Inc.</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$8,000.00 and cease and desist from further violation.		granted the petitioner a 45-day extension of previous provisional variances granted in PCB 93-208 and PCB 94-11, extending the Stage II vapor recovery requirements for and additional 45 days for eighty-nine facilities located in Cook, DuPage, Will, Lake, McHenry, and Kane Counties.
93-262	<u>People of the State of Illinois v. Koch Fuels, Inc., d/b/a Koch Materials Company</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this Emergency Planning and Community Rights to Know Act (EPCRA) enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$2,600.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.	94-50	<u>The Finishing Company v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at its Cook County facility.
93-263	<u>People of the State of Illinois v. United Globe Nippon, Inc.</u> - The Board accepted a stipulation and settlement agreement filed by the parties in this air enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$10,000.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.	AC 93-6	<u>Sangamon County v. Ruth Ann Sheppard and Steve Sheppard</u> - The Board ordered the respondents to pay hearing costs in the amount of \$1,088.35.
94-23	<u>Greater Rockford Airport Authority v. EPA</u> - The Board granted voluntary dismissal of this land permit appeal involving a Winnebago County facility.	AC 93-64	<u>IEPA v. Otto L. Myles</u> - The Board entered a default order finding the respondent had violated Section 21(p)(1) and 21(p)(3) of the Act at its Clark County facility and ordered the respondent to pay a civil penalty of \$1,000.00.
94-48	<u>Shell Oil Company v. EPA</u> - Upon receipt of an Agency recommendation, the Board	AC 94-1	<u>IEPA v. Elmer Meints</u> - The Board granted the Agency's motion to dismiss this administrative citation against a Livingston County.
		R92-17	<u>In the Matter of: Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois River/Waterway Between LaGrange Lock and Dam (Mile 80.2) and Lockport Lock (Mile 291): 35 Ill. Adm. Code 303.400</u> - See Rulemaking Update.

NEW CASES - February 3, 1994 BOARD MEETING

93-232	<u>David Geuther and Fehr-Graham & Associates (Dave's Standard Service) v. EPA</u> - The Board accepted this underground storage tank reimbursement determination appeal involving a LaSalle County facility for hearing.		<u>Inc. v. Emergency Preparedness & Disaster Services, Chicago Fire Department, and City of Chicago, a municipal corporation</u> - See Final Actions.
93-246	<u>City of Elgin v. EPA</u> - The Board accepted an amended petition for hearing in this underground storage tank reimbursement determination appeal involving a Kane County facility.	93-260	<u>Glenbard Wastewater Authority v. EPA</u> - The Board accepted an amended petition in this water variance proceeding involving a DuPage County facility for hearing.
93-247	<u>Valerie Johnson, Michael Brenston, Cheryl Johnson, People for Community Recovery,</u>	94-25	<u>Shell Oil Company v. County of DuPage and the IEPA</u> - The Board accepted this water well setback exception petition involving a DuPage County facility for hearing.

94-42	<u>Madison Group 90 v. Office of the Illinois State Fire Marshal</u> - The Board accepted this underground storage tank reimbursement appeal involving a Cook County facility for hearing.		storage tank reimbursement appeal involving a Kane County facility for hearing.
		94-48	<u>Shell Oil Company v. EPA</u> - See Final Actions.
94-43	<u>American Tree Service, Inc. v. EPA</u> - The Board accepted for hearing this open burning permit appeal involving a Sangamon County facility.	94-49	<u>Ted Horton Chevrolet-Oldsmobile-Geo, Inc. v. EPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a Cook County facility for hearing.
94-44	<u>Concerned Citizens For a Better Environment v. City of Havana and Southwest Energy Corporation</u> - The Board accepted this third party appeal of a City of Havana local siting approval for a proposed Mason County regional pollution control facility (municipal solid waste incinerator) for hearing.	94-50	<u>The Finishing Company v. EPA</u> - See Final Actions.
94-45	<u>Metropolitan Airport Authority of Rock Island County v. Office of the Illinois State Fire Marshal</u> - The Board accepted this underground storage tank reimbursement appeal involving a Rock Island County facility for hearing.	94-51	<u>Rodney B. Nelson, III, M.D. v. Kane County, Kane County Board, and Waste Management of Illinois</u> - The Board held this third party appeal of local approval of siting for a proposed Kane County regional pollution control facility.
94-46	<u>Benet Academy v. Office of the Illinois State Fire Marshal</u> - The Board accepted this underground storage tank reimbursement appeal involving a DuPage County facility for hearing.	94-52	<u>People of the State of Illinois v. Jays Foods, Inc.</u> - The Board recieved an air enforcement complaint against a Cook County facility.
94-47	<u>Dart Container Corporation of Illinois v. EPA</u> - The Board accepted this underground	94-53	<u>David Geuther and Fehr-Graham & Associates (Dave's Stand Service) v. EPA</u> - The Board construed petitioner's motion to supplement its appeal in PCB 93-232 as a new petition and accepted this underground storage tank reimbursement determination appeal involving a LaSalle County facility for hearing.

FINAL ACTIONS - February 17, 1994 BOARD MEETING

92-205	<u>Douglas Furniture of California v. EPA</u> - The Board granted voluntary dismissal of this air permit appeal involving a Cook County facility.	93-118	<u>People of the State of Illinois v. Marsco Manufacturing Co.</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$25,000.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.
93-60	<u>Industrial Salvage Inc. and John Prior v. EPA</u> - The Board affirmed the Agency's denial of prior conduct certification to John Prior and a supplemental operating permit to Industrial Salvage, Inc. and John Prior in this land permit appeal involving a Marion County facility. (Consolidated with PCB 93-61.)	93-233	<u>Enviropur Waste Refining and Technology, Inc. v. EPA</u> - The Board granted voluntary dismissal of this land permit appeal involving a Cook County facility.
93-61	<u>Industrial Salvage Inc. and John Prior v. EPA</u> - See PCB 93-60. (Consolidated with PCB 93-60.)	94-16	<u>People of the State of Illinois v. Central Illinois Public Service (Newton Unit #1 and #2)</u> - The Board accepted a stipulation and

- settlement agreement in this air enforcement action against a Jasper County facility and ordered the respondent to pay a civil penalty of \$40,000.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-17 People of the State of Illinois v. Olin Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Madison County facility and ordered the respondent to pay a civil penalty of \$25,000.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-20 People of the State of Illinois v. Gerald V. Johnson d/b/a Jerry's - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Ogle County facility and ordered the respondent to pay a civil penalty of \$1,500.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-24 North Shore School District #112 (Braeside Elementary School) v. Officer of the Illinois State Fire Marshal - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Lake County facility.
- 94-39 People of the State of Illinois v. Top Disposal Service, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility and ordered the respondent to pay a civil penalty of \$4,000.00 and cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 94-62 Smith Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 94-30, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for its Will County facility.
- 94-63 T.M.L. Associates, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-224 and PCB 93-254, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for its Kane County facility.
- 94-64 Mobil Oil Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-199, PCB 93-212, PCB 94-4, PCB 94-8, and PCB 94-36, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for seventy-four of its facilities in Cook, DuPage, Lake, Kendall and Will Counties.
- 94-65 Hertz Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-217 and PCB 93-251, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for its Cook County facility.
- 94-66 State Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-198 and PCB 94-6, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for fifteen of its facilities in Cook, Lake, McHenry, DuPage, and Kendall Counties.
- 94-67 Delta Sonic Carwash Systems, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-218 and PCB 94-7, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for its Cook County facility.
- 94-68 Graham C-Stores Company v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-237, delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for five of its facilities in Cook and Lake Counties.
- 94-69 Marathon Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted the petitioner a 45-day extension of its previous provisional variances granted in PCB 93-208 and PCB 94-11,

	delaying the deadline for compliance with the Stage II vapor recovery requirements for an additional 45 days for seven of its facilities in Cook, Kane, McHenry, and Will Counties.		of \$1,000.00.
94-70	<u>Amoco Oil Company v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at its Cook County facility.	AC 93-66	<u>Illinois Environmental Protection Agency v. Orville Bartels</u> - The Board entered a default order, finding the respondent had violated Section 21(p)(1) of the Act at its Cass County facility, and ordered the respondent to pay a civil penalty of \$500.00.
94-71	<u>Warner Lambert Company v. EPA</u> - Upon receipt of an Agency recommendation, the Board granted the petitioner a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at its Winnebago County facility.	AC 94-2	<u>Sangamon County v. Lillie Moreland</u> - The Board entered a default order, finding the respondent had violated Section 21(p)(1) and 21(p)(3) of the Act at its Sangamon County facility, and ordered the respondent to pay a civil penalty of \$1,000.00.
AC 93-36	<u>Illinois Environmental Protection Agency v. Royanne Grooms and Randy Rowe</u> - The Board vacated its October 7, 1993 default order and granted voluntary dismissal of this administrative citation against LaSalle County respondents.	AS 92-8	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. code 738.Subpart B</u> - The Board granted the petitioner an adjusted standard from the requirements of 35 Ill. Adm. Code 738.Subpart B for two underground injection wells at its Douglas County facility, subject to conditions.
AC 93-65	<u>Illinois Environmental Protection Agency v. Gallatin National Company</u> - The Board entered a default order, finding the respondent had violated Sections 21(o)(5) and 21(o)(11) of the Act at its Fulton County facility, and ordered the respondent to pay a civil penalty	AS 93-7	<u>In the Matter of: Petition of Keystone Steel and Wire Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132</u> - The Board granted the petitioner an adjusted standard, subject to conditions, that delists treated sediment from its Peoria County facility as a listed RCRA hazardous waste.

NEW CASES - February 17, 1994 BOARD MEETING

94-51	<u>Rodney B. Nelson, III, M.D. v. Kane County, Kane County Board, and Waste Management of Illinois, Inc.</u> - The Board accepted this third party appeal of local approval of siting for a proposed Kane County regional pollution control facility (recycling and solid waste disposal facility) for hearing. (Consolidated with PCB 94-58 on motion of the Board.)		<u>Inc.</u> -The Board received a complaint in this air enforcement action against a Cook County facility, together with a proposed stipulation and settlement agreement and an agreed motion to request relief from hearing the requirement, so the Board ordered publication of the required newspaper notice.
94-54	<u>Central Illinois Public Service Company (Newton Power Station v. EPA</u> - The Board accepted this NPDES permit appeal involving a Jasper County facility for hearing.	94-57	<u>Central Illinois Public Service Company (Coffeen Power Station) v. EPA</u> - The Board accepted this NPDES permit appeal involving a Montgomery County facility for hearing.
94-55	<u>Myrtle Landwehrmeier v. EPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a Madison County facility for hearing.	94-58	<u>City of Geneva v. Waste Management of Illinois, Inc. and County Board, County of Kane</u> - See PCB 94-51. (Consolidated with PCB 94-51.)
94-56	<u>People of the State of Illinois v. Land O'Frost,</u>	94-59	<u>People of the State of Illinois v. Acme Barrel Company, Inc.</u> - Upon receipt of proposed

	stipulation and settlement agreement and an agreed motion to request relief from hearing the requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.		Actions.
		94-64	<u>Mobil Oil Corporation v. EPA</u> - See Final Actions.
		94-65	<u>Hertz Corporation v. EPA</u> - See Final Actions.
94-60	<u>Mobil Oil Corporation v. EPA</u> - The Board accepted this air variance proceeding involving facilities in Cook, DuPage, Lake, Kendall, and Will Counties for hearing and granted the petitioner's motion for expedited review.	94-66	<u>State Oil Company v. EPA</u> - See Final Actions.
		94-67	<u>Delta Sonic Carwash Systems, Inc. v. EPA</u> - See Final Actions.
94-61	<u>Produce Wagon, Inc. v. EPA</u> - The Board accepted this underground storage tank reimbursement appeal involving a Sangamon County facility for hearing.	94-68	<u>Graham C-Stores Company v. EPA</u> - See Final Actions.
		94-69	<u>Marathon Oil Company v. EPA</u> - See Final Actions.
94-62	<u>Smith Oil Company v. EPA</u> - See Final Actions.	94-70	<u>Amoco Oil Company v. EPA</u> - See Final Actions.
94-63	<u>T.M.L. Associates, Inc. v. EPA</u> - See Final	94-71	<u>Warner Lambert Company v. EPA</u> - 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.

March 1 1:30 p.m.	AS 92-13 Air	<u>In the Matter of: Petition of Alumax, Inc. for Adjusted Standard from 35 Ill. Adm. Code 218 - Grundy County Courthouse, County Board Room No. 16, 111 East Washington Street, Morris.</u>
March 1 9:30 a.m.	PCB 94-19 L-S-R, 3d P	<u>Michael Turlek, Lillian Smejkal, and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc. - American Legion Hall, 6050 South Harlem, Summit. (Consolidated with PCB 94-21 and PCB 94-22.)</u>
March 2 10:00 a.m.	AC 93-30 AC	<u>Sangamon County v. The Illinois National Bank of Springfield, n.k.a. First of America Trust Company, Trust No. 894-6418-002, and Ray Landers - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.</u>
March 3 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
March 11 9:00 a.m.	AC 93-45 AC	<u>Montgomery County v. Rita Hefley - Montgomery County Courthouse, County Board Room, Third Floor, Hillsboro.</u>
March 17 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
March 25 1:00 p.m.	AS 91-9 Water	<u>In the Matter of: Petition of the City of East Moline and the IEPA for Adjusted Standard from 35 Ill. Adm. Code 304 - American Legion Post No. 227, 829 16th Street, East Moline.</u>
March 28 10:00 a.m.	PCB 93-260 W-V, NPDES	<u>Glenbard Wastewater Authority v. EPA - Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn.</u>
March 31 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 5 10:30 a.m.	PCB 94-60 A-V	<u>Mobil Oil Corporation v. EPA - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.</u>
April 6 10:00 a.m.	PCB 94-44 L-S-R, 3d P	<u>Concerned Citizens for a Better Environment v. City of Havana and Southwest Energy Corporation - Mason County Courthouse, Courtroom #1, 100 North Broadway, Havana.</u>
April 8 10:00 a.m.	PCB 94-55 UST-FRD	<u>Myrtle Landwehrmeier v. EPA - Granite City Hall, Mayor's Conference Room, 2nd Floor, 2000 Edison Avenue, Granite City.</u>
April 12 10:00 a.m.	PCB 91-11 P-A, RCRA	<u>Burlington Northern Railroad Company v. EPA - Knox County Courthouse, 200 South Cherry Street, Galesburg.</u>
April 12 10:00 a.m.	PCB 93-122 UST-FRD	<u>EMRO Marketing Company v. EPA - College of Lake County, Room B 205, 19351 West Washington, Grayslake.</u>
April 12 9:00 a.m.	PCB 94-1 L-E	<u>People of the State of Illinois v. Robert D. Fosnock, d/b/a Fos Auto & Truck Parts - Gillespie Municipal Building, City Council Chamber, 115 North Macoupin, Gillespie.</u>

April 13 1:00 p.m.	PCB 93-255 UST-FRD	<u>Lindsay-Klein Chevrolet-Olds, Inc., d/b/a Chuck Lindsay Chevrolet-Olds, Inc. v. Office of the Illinois State Fire Marshal - Whiteside County Sheriff's Department, Law Enforcement Center, 400 North Cherry Street, Morrison.</u>
April 15 10:00 a.m.	PCB 94-61 UST-FRD	<u>Produce Wagon, Inc. v. EPA - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.</u>
April 15 9:30 a.m.	R 93-29 R, Land	<u>In the Matter of: Regulation of Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830-832 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
April 19 10:30 a.m.	PCB 93-248 L-E	<u>People of the State of Illinois v. John Prior and Industrial Salvage, Inc. - Centralia City Hall, Council Chambers, 222 South Poplar Street, Centralia.</u>
April 19 10:00 a.m.	PCB 93-261 L-E	<u>People of the State of Illinois v. Midwest Refinishing, Inc. and Kenneth Ruff - Social Science Research Institute, Conference Room, 148 North Third Street, DeKalb.</u>
April 21 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 21 10:00 a.m.	PCB 94-38 UST-FRD	<u>Park District of Highland Park (Central Park Facility) v. Office of the Illinois State Fire Marshal - Lake County Courthouse, County Board Assembly Room, 10th Floor, 18 North County Street, Waukegan.</u>
April 22 10:00 a.m.	R 93-29 R, Land	<u>In the Matter of: Regulation of Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830-832 - Municipal Building, Third Floor, Council Chambers, Seventh and Monroe Streets, Springfield.</u>
April 26 10:00 a.m.	PCB 94-51 L-S-R, 3d P	<u>Rodney Nelson, III, M.D. v. Kane County, and Illinois Municipal Corporation, Kane County Board as the Local Siting Authority, and Waste Management of Illinois, Inc., as Applicant - City of Geneva, City Hall, Council Chambers, 22 South First Street, Geneva. (Consolidated with PCB 94-58.)</u>
April 26 10:00 a.m.	R 93-13 R, Water	<u>In the Matter of: Petition of General Motors Corporation to Amend 35 Ill. Adm. Code 303.322 (Site-Specific Regulation for Fluoride) - Danville City Hall, Council Chambers, 402 North Hazel Street, Danville.</u>
April 27 10:00 a.m.	PCB 93-145 A-E	<u>People of the State of Illinois v. Monarch Asphalt Company - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.</u>
April 27 10:00 a.m.	R 94-2 R, Land	<u>In the Matter of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - County Board Chambers, 200 South Ninth Street, 2nd Floor, Springfield.</u>
April 28 10:00 a.m.	PCB 93-145 A-E	<u>People of the State of Illinois v. Monarch Asphalt Company - James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago.</u>
April 28 10:00 a.m.	R 94-2 R, Land	<u>In the Matter of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - County Board Chambers, 200 South Ninth Street, 2nd Floor, Springfield.</u>
April 29 10:00 a.m.	PCB 94-25 WWSE	<u>Shell Oil Company v. County of DuPage and EPA - DuPage County Courthouse, Court Room 2001, 505 North County Farm Road, Wheaton.</u>
May 5 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

May 5 10:00 a.m.	AS 93-8 A-S, Water	<u>In the Matter of: Petition of AKZO Chemicals Inc. for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 (TDS, chlorides, sulfates, and boron) - Grundy County Administrative Center, Board Room, 1320 Union Street, Morris.</u>
May 5 10:00 a.m.	PCB 93-128 P-A, RCRA	<u>National Coatings, Inc. v. EPA - Knox County Courthouse, Conference Room, 200 South Cherry Street, Glaesburg.</u>
May 10 10:00 a.m.	PCB 93-111 UST-FRD	<u>Bocker Chevrolet Company v. EPA - Freeport City Hall, Council Chambers, 230 West Stephenson Street, Freeport.</u>
May 16 10:00 a.m.	PCB 94-26 P-A, Air	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson Street, Robinson.</u>
May 16 10:00 a.m.	PCB 94-27 A-V	<u>Marathon Oil Company v. EPA - Robinson Library, 606 North Jefferson Street, Robinson.</u>
May 19 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
May 23 10:00 a.m.	R 94-2 R, Land	<u>In the Matter of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - James R. Thompson Center, Suite 9-040, 100 West Randolph Street, Chicago.</u>
May 24 10:00 a.m.	R 94-2 R, Land	<u>In the Matter of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732 - James R. Thompson Center, Suite 9-040, 100 West Randolph Street, Chicago.</u>
May 26 9:00 a.m.	PCB 93-192 A-E, Citizens	<u>The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and the Macon County Horsemen's Association - Macon County Building, Boardroom 504, 253 East Wood Street, Decatur.</u>
June 2 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 7 9:00 a.m.	PCB 93-250 A-E	<u>People of the State of Illinois v. Clark Oil & Refining Corporation (Wood River Refinery) - Alton City Hall, Council Chambers, 101 East Third Street, Alton.</u>
June 9 9:00 a.m.	PCB 93-250 A-E	<u>People of the State of Illinois v. Clark Oil & Refining Corporation (Blue Island Refinery) - Meadows Golf Club of Blue Island, 2802 West 123d Street, Blue Island.</u>
June 23 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
July 21 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
August 11 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
September 1 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
Spetember 15 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 6 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
October 20 10:30 a.m.		Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

November 3 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 1 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
December 15 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
January 12 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
February 16 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
March 16 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
April 20 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
May 18 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago
June 15 10:30 a.m.	Pollution Control Board Meeting, James R. Thompson Center, 100 W. Randolph St., Conference Room 9-040, Chicago

Calendar Code

3d P	Third Party Action	A-CAAdministrative Citation
A-E	Air Enforcement	A-SAdjusted Standard
A-V	Air Variance	CSOCombined Sewer Overflow Exception
GW	Groundwater	L-ELand Enforcement
L-S-R	Landfill Siting Review	L-VLand Variance
N-E	Noise Enforcement	N-VNoise Variance
P-A	Permit Appeal	PWS-EPublic Water Supply Enforcement
PWS-V	Public Water Supply Variance	RRegulatory Proceeding
S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))	SWH-ESpecial Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	TThermal Demonstration Rule
T-C	Tax Certifications	T-STrade Secrets
UST-E	Underground Storage Tank Enforcement	UST-FRDUnderground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-VWater Variance
WWS	Water-Well Setback Exception	

ENVIRONMENTAL INFORMATION SERVICES
AVAILABLE FROM THE BOARD

The Board has the following information available:

POLLUTION CONTROL BOARD ELECTRONIC BULLETIN BOARD SYSTEM (BBS). The Pollution Control Board operates an electronic BBS at 312-814-1590. The BBS is available 24 hours a day, 7 days a week, to anyone with access to a computer and a modem - there is no charge for access to the BBS. The best communications settings are 8 data bits (or data length 8), no parity (or parity = none) and 1 stop bit, i.e., 8-N-1. The best terminal emulation is ANSI-BBS or just ANSI. The BBS contains Board Agendas, Environmental Registers, Annual Reports, and various documents about the Board. You may download these documents to your computer. For additional information contact Don Brown at the Board Offices 312-814-3461.

SUBSCRIPTION SERVICE OF BOARD OPINIONS AND ORDERS. The subscription service comprises all the Opinions and Orders issued by the Pollution Control Board in a fiscal year (July 1 through June 30). The Board meets approximately twice monthly in order to issue Opinions and Orders. Usually no later than the end of each month, a volume is issued containing the Opinions and Orders of the Board from the preceding month.

HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1993 (July 1, 1992 through June 30, 1993) ARE AVAILABLE FOR IMMEDIATE DELIVERY. The cost is \$350.00 per set.

Two formats are offered starting July 1 of last year (FY93): a hard paper copy for \$350.00 per year and an electronic version for \$275.00 per year. The electronic version will consist of Opinions and Orders in the WordPerfect 5.1 format on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software.

When ordering, please specify the choice of either the hard copy or electronic version. If ordering the electronic version, please specify 3.5" or 5.25" diskettes.

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

Enclosed is a check in the amount of _____ made payable to the Illinois Pollution Control Board for the subscription service to the Board's opinions and orders.

Name _____

Fiscal Year Ordered _____

(FY92 available in hard copy only).

Address _____

City/State/Zip _____

Hard Copy _____

Hard Copy Cost per FY: \$350.00

Electronic Copy _____

Electronic Copy Cost for FY93: \$275.00

Disk Size _____

Please send to: (5.25" 1.2 MB or 3.5" 1.44 MB)

Joseph D'Alessandro

Illinois Pollution Control Board

100 W. Randolph St., Ste. 11-500

Chicago, IL 60601

Printed by Authority of the State of Illinois, March, 1994, 2,000 copies, order #57701.

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:

Claire A. Manning, Chairman
Springfield, Illinois

Emmett E. Dunham II
Elmhurst, Illinois

Ronald C. Flemal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Vacant

The Environmental Register is a newsletter published by the Board monthly. 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.

Illinois Pollution Control Board
State of Illinois Center, 11-500
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3620

Address Correction Requested.