

ENVIRONMENTAL REGISTER

No. 422

February 20, 1991

BOARD SENDS AMENDMENTS TO LANDFILL REGULATIONS TO FIRST NOTICE, R90-26

On February 7, 1991, the Board sent to First Notice a proposal filed on December 3, 1990, by the Illinois Steel Group and the Illinois Cast Metals Association (ICMA). The proposal amends the development, operating and reporting requirements for non-hazardous waste landfills that were developed in R88-7 and amended in 35 Ill. Adm. Code 102.121.

Copies of the Opinion and Proposal are available from the Clerk of the Board at 312/814-3620. A 45-day comment period will begin upon publication of the proposed rules in the Illinois Register. Those wishing to be placed on the notice list may contact Deborah Stonich at 312/814-6926.

BOARD ADOPTS FIRST NOTICE FOR LIVESTOCK WASTE AMENDMENTS, R90-7

On February 7, 1991, the Board adopted by a 6-0 vote a First Notice Opinion and Order in R90-7, Amendments to 35 Ill. Adm. Code 501 Agriculture-Related Pollution (Management of Livestock Wastes). Board Member Jacob Dumelle was absent for the vote.

The proposed amendments would modify existing regulatory provisions dealing with the siting of new livestock management facilities, and livestock waste-handling facilities. New livestock management facilities and waste-handling facilities would be prohibited from locating within 1/2 mile of a populated area or within 1/4 mile of a non-farm residence, unless located within a designated Agricultural Area, or the facility undergoes expansion or complies within local zoning requirements, as specified in the proposed amendments.

The proposal would also allow for more liberal use of vegetative filters for the treatment of livestock waste generated at small- to medium-sized facilities.

The proposed amendments would further establish requirements for the field application of livestock wastes. Operators would be required to practice odor control methods so as not to cause air pollution. The proposal is designed to reduce the potential for odors which constitute air pollution with minimum description of farming practices.

Copies of the Opinion and Proposed Rules are available from the Clerk of the Board at 312/814-3620. The proposed rules will be published in the Illinois Register. A 45-day comment period begins upon publication. Questions concerning these proposed amendments may be directed to Michelle Dresdow at 815/753-0947.

BOARD DISMISSES TWO SUBDOCKETS IN CALIFORNIA EMISSION STANDARD RULEMAKING

On February 7, 1991, the Board dismissed subdockets (A) and (B) of its proposal to adopt portions of the California motor vehicle control program. (Docket R89-17 (A) and (B).) The dismissed subdockets were proposed by the Board on April 12, 1990, and proposed that Illinois adopt numerical emission limitations for passenger cars and light and medium duty vehicles identical to those limits which will be in effect in California in 1993. The Board's order dismissing subdockets (A) and (B) specifically noted that subdocket (C), proposed by the Board on October 11, 1990, remains under consideration by the Board. The exhibits, transcripts, and comments from subdockets (A) and (B) will remain in the record of subdocket (C). Questions may be addressed to Elizabeth Schroer Harvey, hearing officer, at 312/814-6921.

BOARD ACCEPTS RACT DEFICIENCY RULEMAKING PROPOSALS FOR HEARING

In January 1991, the Illinois Environmental Protection Agency (Agency) filed two rulemaking proposals with the Board which seek to correct deficiencies identified by the United States Environmental Protection Agency in Illinois' state implementation plan (SIP) for ozone in the Chicago and Metro-East (East St. Louis) areas. The proposals contain regulations requiring the implementation of reasonably available control technology (RACT) for certain sources of volatile organic material (VOM). The Agency certified that both proposals are federally required rules, pursuant to Section 28.2 of the Environmental Protection Act, in part because the federal Clean Air Act Amendments of 1990 require the states to submit RACT corrections by May 15, 1991.

On February 7, 1991, the Board accepted both proposals

for hearing, and accepted the Agency's certification that the

proposals are federally required. Interested persons have 21 days from that date to recommend that the Board request or not request that an economic impact study (EclS) be prepared on the proposals. The Board will make its EclS determination by April 7, 1991. Hearings on both proposals will be held in April 1991. The proposals have been docketed as R91-7 (the Chicago proposal) and R91-8 (the Metro-East proposal). Copies of the proposals can be obtained through the Clerk's office (\$0.25 per page) at 312/814-3620. Questions on these proceedings should be directed to Elizabeth Schroer Harvey, hearing officer, at 312/814-6921.

RESTRICTED STATUS AND CRITICAL REVIEW LISTS FOR SEWAGE TREATMENT IN THIS ISSUE

The Illinois Environmental Protection Agency, Division of Water Pollution Control, is publishing copies of the Division's Restricted Status and Critical Review lists at the end of this issue of the Environmental

Register. These lists reflect the status as of December 30, 1990.

GOVERNOR AND IEPA DIRECTOR TO SPEAK AT WASTE CONFERENCE

Governor Jim Edgar and Mary Gade, director of the Illinois Environmental Protection Agency, will speak at the "Waste in the Heartland" conference on February 27-March 1, 1991, at the Marriott Hotel, 540 North Michigan Avenue, in Chicago. The annual conference is being held by The Lake Michigan States Section of the Air and Waste Management Association. Sessions on siting, Remediation, RCRA, Superfund, Risk Assessment, Recycling, and Municipal Waste are included. Experts on waste issues will be available in an exhibit area, and an optional tour of an incinerator and waste disposal facility will be offered. Call Kathleen Conway at 312/814-3469 to receive a registration form.

PUBLIC AFFAIRS AWARD LECTURE

Dr. Leon Lederman, Professor of Physics, University of Chicago and Director Emeritus of Fermilab, has been chosen to receive the Public Affairs Award of the Chicago Section of the American Chemical Society. Dr. Lederman is being honored for his pioneering work in science education for youth and the public and his role as science advisor to the Governor. Dr. Lederman received the Nobel Prize for physics in 1982 and at the present time is president of the American Association for the Advancement of Science. Dr. Lederman will give his award lecture titled "Science and the Public: PI vs. PR" on Friday, March 22 at 8:00 p.m. at Montaseros's Ristorante, 3935 W. Devon Ave. For further information, call Mr. Ron Sykstus at 312/461-9595.

FINAL ACTIONS - FEBRUARY 7, 1991 BOARD MEETING.

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| PCB 86-104 | <u>IEPA v. Sours Grain Co.</u> - The Board granted the joint motion to reopen the docket and accepted Stipulation II in which respondent admitted violations of Stipulation I and to pay a fine of \$1,000 into the Environmental Protection Trust Fund concerning its Tazewell/Peoria County facility. Board Member J. Theodore Meyer dissented. |
| PCB 86-180 | <u>Ceco Corp. v. IEPA</u> - The Board denied petitioner's motion for reconsideration finding that it restated arguments considered by the Board in its December 20, 1990 Opinion and Order concerning petitioner's Will/DuPage County facility. |
| PCB 89-64 | <u>Will County Environmental Network v. Gallagher Asphalt</u> - The Board, having had no response from complainant to its Order of November 29, 1990 that petitioner had not implemented remedial action by December 14, 1990, closed this docket. |
| PCB 89-72 | <u>Olin Corp. (Joliet Plant) v. IEPA</u> - The Board accepted the Agency Recommendation and granted petitioner variance, with conditions, from the Board's air pollution regulations as applied to scrubbers in A & B Buildings for its Will County facility. |
| PCB 90-126 | <u>Marathon Petroleum Co. v. IEPA</u> - The Board affirmed the conditions imposed by the Agency in the RCRA Part B permit modification for petitioner's Crawford County facility. |
| PCB 90-167 | <u>City of Morris v. IEPA</u> - 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 and gross alpha particle activity in drinking water for its Grundy County facility. Board Member B. Forcade dissented. |
| PCB 90-172 | <u>Waste Management of Wisconsin, Inc. v. IEPA</u> - This matter was dismissed on petitioner's motion. |

- PCB 90-226 City of Toluca 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 and gross alpha particle activity in drinking water for its Marshall County facility. Board Member B. Forcade dissented.
- PCB 90-243 Finks & Austman, a partnership v. IEPA - The Board granted the Agency's motion and dismissed the matter.
- PCB 91-1 Alton Community Unit School District #11 v. IEPA -The Board affirmed the Agency's determination that petitioner's application for corrective reimbursement costs is subject to a \$100,000 deductible, and granted the Agency's motion for summary judgment concerning petitioner's Madison County facility.
- PCB 91-23 Crosfield Catalysts v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Cook County facility. Board Members B. Forcade and J. Theodore Meyer concurred.
- PCB 91-24 Shell Oil Co. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Cook County facility. Board Members B. Forcade and J. Theodore Meyer concurred.
- PCB 91-25 Precision Coatings, Inc. v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Bureau County facility. Board Members B. Forcade and J. Theodore Meyer concurred.
- PCB 91-26 Precoat Metals v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Madison County facility. Board Members B. Forcade and J. Theodore Meyer concurred.
- PCB 91-27 Rockford Products #2 v. IEPA - The Board accepted the Agency Recommendation and granted petitioner provisional variance from the Board's waste disposal regulations relating to 90-day on-site limitations for hazardous wastes at its Winnebago County facility. Board Members B. Forcade and J. Theodore Meyer concurred.
- AC 89-156 (A & B) IEPA v. John A. Gordon - The Board found respondent violated Il. Rev. Stat. 1989, ch. 111 1/2 par. 1021(q)(1) and 1021(q)(3), imposed a fine of \$1,000 payable to the Illinois Environmental Protection Trust Fund concerning its Jacobson County facility, closed Docket A, opened Docket B and ordered the Agency and Board to file a statement of its hearing costs supported by affidavit with service upon respondent.
- AC 90-96 County of Will v. American Fly Ash Co. - The Board found respondent violated Section 21(p)(3) of the Act and imposed a fine of \$500.
- AC 90-97 County of Jackson v. Everett Allen d/b/a Allen Waste Management - The Board found respondent violated Section 21(p)(11) of the Act and imposed a fine of \$500.
- AC 90-98 Logan County Health Department v. Lincoln/Logan Landfill, Inc. - The Board found respondent violated Sections 21(p)(5), 21(p)(11) and 21(p)(12) of the Act and imposed a fine of \$1,500.
- AC 90-99 St. Clair County v. Richard Gorazd, Jr. d/b/a State Construction Co. - The Board found respondent violated Section 21(q)(1) of the Act and imposed a fine of \$500.

NEW CASES - FEBRUARY 7, 1991 BOARD MEETING

- PCB 90-243 Finks & Austman, a partnership v. IEPA - See Final Actions.
- PCB 91-17 BF Goodrich Corp. v. IEPA - Petitioner seeks permit review for its Marshall County facility. Set for hearing.
- PCB 91-18 Illinois Central Railroad, (Centralia Facility) v. IEPA - Petitioner seeks permit review for its Marion County facility. Set for hearing.
- PCB 91-19 People of the State of Illinois v. Sun Ag, Inc. - Complainant alleges violations of the Act and Board water pollution regulations at respondent's Woodford County facility. Hearing mandatory.
- PCB 91-20 People of the State of Illinois v. Amoco Petroleum Additives Co., a Delaware Corp. - Complainant alleges violations of the Act at respondent's Madison County facility. Hearing mandatory.
- PCB 91-21 Village of Gardner v. IEPA - Petitioner seeks variance from the Board's public water supplies regulations relating to

	Standards for Issuance and Restricted Status concerning its Grundy County facility. Held for Agency Recommendation.
PCB 91-22	<u>City of Minonk v. IEPA</u> - Petitioner seeks variance from the Board's public water supplies regulations relating to Standards for Issuance and Restricted Status concerning its Woodford County facility. Held for Agency Recommendation.
PCB 91-23	<u>Crosfield Catalysts v. IEPA</u> - See Final Actions.
PCB 91-24	<u>Shell Oil Co. v. IEPA</u> - See Final Actions.
PCB 91-25	<u>Precision Coatings, Inc. v. IEPA</u> - See Final Actions.
PCB 91-26	<u>Precoat Metals v. IEPA</u> - See Final Actions.
PCB 91-27	<u>Rockford Products #2 v. IEPA</u> - See Final Actions.
PCB 91-28	<u>Acme Steel Co. v. IEPA</u> - Petitioner seeks permit review concerning it Cook County facility. Set for hearing.

CALENDAR*

February 22 10:00 a.m.	L-S-R	Frank Whitlock, et al. v. Montgomery County Board of Supervisors, Robert Bishop and <u>Arminda Bishop</u> - PCB 90-231, County Boardroom, Third Floor, Montgomery County Courthouse, Hillsboro.
February 28		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
March 1 9:30 a.m.	A-S	<u>In the Matter of: Petition of Stepan Company for Adjusted Standard 35 Ill. Adm. Code 215.2602</u> - AS 88-2, Bicentennial Park, 201 W. Jefferson, Heritage Room, Joliet.
March 6	UST-FRD	<u>Marjorie B. Campbell v. EPA</u> - PCB 91-5, Livingston County Courthouse, County Board 10:00 a.m. Room, 112 E. Madison, Pontiac.
March 7 9:00 a.m.	P-A	<u>Caterpillar, Inc. v. EPA</u> - PCB 90-195, Peoria County Courthouse, County Board Room, 324 Main St., Peoria.
March 11 10:00 a.m.	P-A	<u>Sexton Environmental System, Inc. v. EPA</u> - PCB 91-4, Law Office of Joshua Sachs, 134 N. LaSalle St., Suite 2222, Chicago.
March 14		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
March 15 10:00 a.m.	L-S-R	<u>Land and Lakes Company, JMC Operations, Inc. and MBD Trust Company of Illinois as trustee, v. Village of Romeoville</u> - PCB 91-7, Romeoville Village Hall, Village Board Room, 13 Montrose St., Romeoville.
March 21 9:00 a.m.	R	<u>Toxic Air Contaminants (35 Ill. Adm. Code 232)</u> -R90-1, State of Illinois Center, 100 W. Randolph St., Room 9-040, Chicago.
March 27 10:30 a.m.	W-E	<u>People of the State of Illinois v. Raging Rivers Water Park, Inc.</u> - PCB 90-217, Jersey County Courthouse, Courtroom B, 201 W. Pearl, Jerseyville.
March 28		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
April 11		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
April 17	P-A	<u>Spraying Systems Company v. EPA</u> - PCB 90-215, DuPage County Building, 421 N. County 2:00 p.m. Farm Rd., Room 2A, Wheaton.
April 25		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

May 9		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
May 23		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 6		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
June 20		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
July 10	W-E	<u>Herman W. Prescott v. City of Sycamore</u> - PCB 90-187, DeKalb County Courthouse, Room 10:00 a.m. 206, 133 W. State St., Sycamore.
July 11	W-E	<u>Herman W. Prescott v. City of Sycamore</u> - PCB 90-187, DeKalb County Courthouse, Room 10:00 a.m. 206, 133 W. State St., Sycamore.
July 16 10:00 a.m.	A-S	<u>Petition of Granite City Steel for Adjusted Standard. 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F. Procedures for Determining Water Quality Criteria</u> - AS 90-4, Mayor's Conference Room, City Hall, 2nd Floor, 200 Edison Ave., Granite City.
September 16 10:00 a.m.	P-A	<u>Olin Corporation v. EPA</u> - PCB 89-178, Alton City Hall, 101 E. Third St., Alton.

* 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:

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		