



STATE
OF
ILLINOIS

POLLUTION CONTROL BOARD

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CERTIFICATION

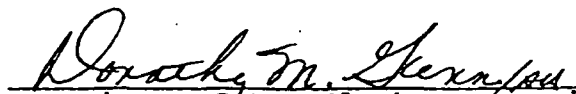
I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that I have the custody and control of all Board files and the records of the said Pollution Control Board; and that the enclosed items transmitted herewith are a true and exact copy of the original.

Pollution Control Board Newsletter #24, dated June 14, 1971

Pollution Control Board Newsletter #37, dated December 5, 1971

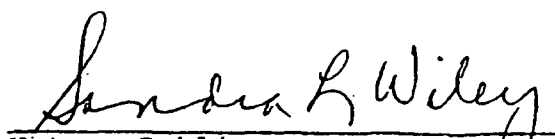
Title 35, Environmental Protection, Subtitle B, Chapter I, Rules and Regulations dated June 1989 with amendments through February 6, 1989

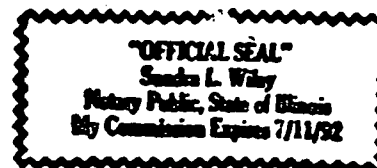
R71-16, Asbestos Regulations, Opinion of the Board on Adoption of Regulations by Mr. Lawton dated January 6, 1972


Dorothy M. Gunn, Clerk
Pollution Control Board

Dated: August 25, 1989

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 25th DAY OF AUGUST 1989.


Notary Public



SC-ALL-15060

SCF-ALLF-03400



STATE OF ILLINOIS
POLLUTION CONTROL BOARD

189 WEST MADISON STREET SUITE 900

CHICAGO, ILLINOIS 60602

DAVID P. CURRIE, CHAIRMAN
SAMUEL R. ALDRICH
JACOB D. DUMELLE
RICHARD J. KISSEL
SAMUEL T. LAWTON, JR.

TELEPHONE
312-793-3620

NEWSLETTER #24
June 14, 1971

DUPAGE COUNTY REGIONALIZATION PLAN HEARINGS AUTHORIZED

At its Danville meeting on June 9, the Board authorized hearings on a proposal which would require the development of a regional wastewater treatment system in DuPage County. The proposal, if adopted, would be a county-wide system of nine sewage treatment plants in accordance with the Regional Wastewater Plan approved by the Northeastern Illinois Planning Commission. Presently, over 90 sewage treatment plants are operating in the county. The county and local governmental units involved would have until January 1, 1972, to submit a plan for accomplishing the regionalization scheme and final compliance would be required by January 1, 1975.

In his explanation of the proposal, Chairman Currie stated that the proliferation of small sewage plants in densely populated and rapidly developing DuPage County makes impossible the correction of existing pollution and constitutes a threat of further pollution in the future. Furthermore, small plants have higher per capita construction and operating costs. County taxpayers, therefore, have to pay a higher price for scattered small treatment plants than they would for larger and more efficient treatment facilities.

Hearings are scheduled for July, August, and September. The hearings will provide an opportunity for the people of DuPage County and Illinois to provide factual information and to express their views on the concept of regionalization. A copy of the proposal is appended to this Newsletter.

ASBESTOS HEARINGS SCHEDULED

Finding that the uncontrolled spraying of asbestos fiber and other fiber-containing material unreasonably interferes with the enjoyment of life and property and presents a severe threat to the public health

and welfare, the Board authorized in Danville that hearings be held on detailed proposed regulations which would restrict the commercial use of products containing asbestos. The set of regulations, if adopted, would be the most comprehensive set of controls for the toxic substance ever enacted.

The proposed regulations would, among other things, require a permit for the manufacturing of asbestos products, for the commercial use of asbestos in construction work and for the demolition of asbestos containing buildings. Demolition of buildings containing asbestos would have to be conducted in accord with strict controls to reduce dust emission. Plants manufacturing asbestos products would be required to meet an emission standard. The spraying of asbestos fiber, done in high-rise construction, would be unlawful. And the use of asbestos in the brake lining of vehicles manufactured after January 1, 1975 and sold for use in Illinois would be prohibited. A copy of the proposed regulation is appended to this Newsletter.

Asbestos-containing products have, in recent years, been widely used, especially in the fireproofing of buildings and in the lining of automobile brakes. These uses and others contribute annually to the discharge of asbestos fiber into the atmosphere. The fiber, once released, is thought to be virtually indestructible, resulting in a gradual, irreversible increase in the amount of asbestos fiber present in the ambient air. Medical evidence has shown that heavy, prolonged exposure to asbestos fiber can cause a lung disease known as asbestosis and a very rare cancer of the lining of the lungs, mesothelioma.

NSSD PHOSPHORUS VARIANCE DENIED

At the Danville meeting, the Board voted to deny a variance request in North Shore Sanitary District v. EPA, PCB 71-36. The District requested that six of its seven lakeside plants (North Chicago, Lake Bluff, Lake Forest, Park Avenue, Ravine Drive, and Carey Avenue) be exempted from the phosphorus effluent standards until December 31, 1972. The one year variance was not requested for its Waukegan plant.

The Board's opinion, written by Mr. Dumelle, points out that the District's cost estimates for compliance were not realistic. The district maintained that temporary phosphorus treatment facilities would cost \$654,000 the first year and \$292,000 annually, thereafter. This sum includes costs for tanks, hardware, chemicals, additional sludge handling, additional labor, and a minimal salvage value. But, at a subsequent hearing relating to the District's compliance to the Board's order in League of Women Voters et al v. North Shore Sanitary District, PCB 70-7, 12, 13, 14, the District made a statement which is in effect an amendment to this variance request, thus substantially lowering the estimated cost. It withdrew its request for a variance as to the North Chicago plant. This removes almost half of the

hydraulic capacity from the request. The Board stated that other factors also reduce the estimated cost: The District could easily use a cheaper method of removal than the alum precipitation method it had chosen, such as the free waste pickle liquor method it uses at its Waukegan plant; as phosphorus removal becomes a more widespread requirement in Illinois, nearby Districts will be willing buyers of used equipment, the salvage value will be more than minimal. The Act admonishes the Board to grant variances only where cases of arbitrary or unreasonable hardship are shown. But the Board ruled that "[m]ere imposition of a money cost standing alone cannot be considered an unreasonable hardship."

The Board stated that since many of the District's recent activities are stymied by litigation it can have no real confidence that if this variance is granted, an extension of the variance will not be asked for a year from now.

LAKE MICHIGAN THERMAL STANDARD ADOPTED

The Board adopted the proposed draft of Thermal Standards for Lake Michigan, R70-2. These standards permit the continued existence of heat sources now in operation which have not been shown to cause harm, so long as they conform to the modified water quality standard which consists of a 3° F. rise limitation and a series of monthly temperatures which are never to be exceeded. The maximum permissible temperature is 80° F. Sources under construction as of January 1, 1971 must meet the new standard, and there are a number of additional conditions designed to minimize any adverse effect and to require modification if significant harm results. Finally, the potential damage inherent in the proliferation of large heat sources is prevented by prohibiting significant new heat sources not under construction as of January 1, 1971. A copy of the proposal is contained in the addenda section of Newsletter #21.

OTHER ACTIONS

At its June 9 meeting in Danville the Board announced the following actions:

In League of Women Voters et. al. v. North Shore Sanitary District, PCB 70-7, 12, 13, & 14, the Board ordered several control programs to be started immediately. These interim measures will help abate pollution violations until District completes its expansion program ordered previously by the Board (March 31, 1971). This order in no way affects the Board's order for the District's phosphorus variance request (PCB 71-3

In Allied Mills, Inc. v. EPA, PCB 71-16, the Board granted a water pollution variance until July 1, 1972, at which time its Taylorville waste treatment facilities must be in compliance with SWB-14. The company must post a performance bond to insure complete treatment of its storm and process waste waters.

In EPA v. C.E. Koons, PCB 71-30, the Board issued a cease-and-desist order restraining Respondent from depositing refuse on his Flora property. He is also to remove or cover the refuse and to pay a \$100 penalty. Due to financial difficulty, he claimed he couldn't operate a landfill in accord with the law. The Board finds that "[p]overty is no excuse; people who haven't money to do business as the law requires shouldn't do business."

In EPA v. Southern Illinois Asphalt Co. Inc., PCB 71-31, the Board issued a cease-and-desist order until Respondent obtain the quired permit and also issued a \$5,000 penalty for its failure to do. The Board also recommended the Agency consider the effect the plant has on the surrounding residential area in McLeansboro before granting the pending permit application. Mr. Lawton's concurring opinion points out that "...compliance with the regulations, which are designed for general application, does not justify the causing of a nuisance."

In Northern Petrochemical Co. v. EPA, PCB 71-47, the Board granted an air pollution variance so that the company may conduct a fire-fighting training course on its Morris property. This case is similar to Deere & Co. v. EPA, PCB 70-20, where the Board noted that "[t]he importance of instructing employees in fire-fighting techniques is clear ... and that ... there is no substitute in learning how to fight fires, for actually fighting fires."

In EPA v. Truax-Traer Coal Co. and Consolidation Coal Co., PCB 71-54, the Board dismissed a purported variance petition because petitioner failed to comply with statutory and regulatory provisions for the filing of a variance petition. In effect the petitioner sought a declaratory judgement that the Act does not apply to its Jackson County operations. The Board also directed the Agency to file within twenty days a detailed report for abatement proposals for the petitioner's operations.

In Electric Wheel Co. v. EPA, PCB 71-55, the Board granted a variance until December 31, 1971, so that the petitioner may complete its ACERP with minor modifications at its Quincy foundry. The Board felt that the Agency's delay in filing recommendations and the company's good faith in pursuing the program were sufficient reasons to grant the variance.

In City of Lincoln v. EPA, PCB 71-56, the Board denied a variance request to burn allegedly diseased elm trees. Upon the City's own admission, the trees weren't infectious but only dead and rotten. The Board stressed that the diseased exception is not to be abused by attempting, under cover of the exception, to burn vegetation blown down by a storm.

In Citizens Utilities Company of Illinois v. EPA, PCB 71-125, the Board granted the DuPage County company's petition to expedite proceedings. The variance request is for temporarily bypassing a stabilization lagoon so it may be cleaned as hot weather has made it substantially non-functional. In this exceptional situation, the Board has waived the 21-day notice rule. But sufficient notice is given by this newsletter to inform interested parties. The hearing will be held in the early part of the week of June 21st.

MISSISSIPPI RIVER THERMAL STANDARDS

The record in Mississippi River Thermal Standard, R 70-16, a citizen initiated proposal to change the Mississippi River thermal discharge regulations, will remain open until June 21. In addition to the testimony and exhibits received in the public hearings at Rock Island and Alton the record has been open to receive communications from interested persons and the testimony regarding thermal discharges in the hearing on the Quad-Cities nuclear electric generating plant permit application, PCB 71-20.

CORRECTIONS

Newsletter #22 contained two typographical errors as follows:

- I. Explanation of Proposed Water Quality Standards Revisions
R 71-14; Part IX: Permits page 15, second full paragraph -
The date in the first line should be December 31, 1973
not December 31, 1971.
- II. Proposed Water Quality Standards Revisions - # R 71-14;
Part II: Water Quality Criteria
Section 203 (b) - The range of pH should be 6.0 to 9.0
not 6.5 to 9.0.

NEW CASES FILED AND HEARINGS AUTHORIZED

PCB 71-127 Illinois State Fair Agency.

Springfield petitioner seeks a variance from open burning regulations to conduct interim fire-fighting training and to dispose of single story building. No hearing was authorized pending Agency recommendation.

PCB 71-128 City of Zion.

Petitioner requests an open burning variance to burn diseased trees in Lake County. No hearing was authorized pending Agency recommendation.

PCB 71-129 Commonwealth Edison Company.

Petitioner seeks a variance from air pollution regulations at three stations in Winnebago, Will and Tazewell counties. A hearing was authorized.

PCB 71-130 Chicago-Dubuque Foundry Corporation.

East Dubuque petitioner seeks a variance from air pollution regulations. The company wants to wait until the United States EPA adopts National Ambient Air Quality Standards before installing control equipment. No hearing was authorized pending Agency recommendation.

PCB 71-131 Willow Creek Drainage District.

Morgan County petitioner seeks a variance from open burning regulations so it may burn refuse from clean-up operations. No hearing was authorized pending Agency recommendation.

PCB 71-132 American National Bank & Trust Co.

Petitioner seeks a variance from the prohibition of new sewer connections to the North Shore Sanitary District in order to connect a new sixty-five unit complex. A hearing was authorized.

PCB 71-133 Thomas and Sandra Keading.

Lake County petitioners seek variance to connect a one family residence to the NSSD. A hearing was authorized.

PCB 71-134 Union Oil Co. of California.

Chicago Refinery of Union 76 Division seeks open burning variance to conduct fire-fighting training classes. No hearing was authorized pending Agency recommendation.

PCB 71-135 Ravinia Festival.

Petitioner seeks open burning variance so it may burn diseased elm trees at its Highland Park location. No hearing was authorized pending Agency recommendation.

PCB 71-136 A.H. Zamost.

Petitioner requests a variance to connect a new single family residence to the NSSD. A hearing was authorized.

ILLINOIS POLLUTION CONTROL BOARD

Notice is hereby given that the Illinois Pollution Control Board has scheduled the following hearings in addition to those previously announced along with the changes of scheduled meetings as described. Public comments are invited.

June 21	1:00 p.m.	<u>EPA v. City of Champaign v. The Board of Trustees of the University of Illinois and Alpha Material and Fuel Company, PCB 71-51C, Champaign City Council Chambers, Champaign, Illinois.</u>
June 22&23	10:00 a.m.	Hearing continued from June 8, 1971.
June 23	10:00 a.m.	<u>Elgin Jaycees v. Tri-County Landfill Co. et. al., PCB 71-59, Pre-hearing conference, City Council Chambers, Elgin Municipal Bldg., 150 Dexter Ct., Elgin, Illinois.</u>
June 26	10:00 a.m.	<u>Citizens Utilities Co. of Ill. v. EPA PCB 71-125, DuPage County Sheriff's Office, Courtroom #7, 205 Reber, Wheaton, Illinois. (Accelerated Date).</u>
June 29	10:00 a.m.	<u>Proposed Water Quality Standards Revisions, R 71-14, Central Junior High School, Auditorium, 21st & Delmore, Granite City, Illinois.</u>
June 24	10:30 a.m.	<u>Employees of Holmes Brothers v. Merlan, Inc. and L. Mervis, PCB 71-39, City Council Chambers, City Hall, Danville, Illinois.</u>
June 30	10:30 a.m.	<u>Proposed Water Quality Standards Revisions, R 71-14, Southern Illinois University, Neckers Hall, B-440, Carbondale, Illinois.</u>
June 30 & July 7	10:00 a.m.	<u>EPA v. Incinerator, Inc. PCB 71-69, Cicero Public Library, 5221 W. Cermak Rd., Cicero, Illinois</u>
July 1	10:00 a.m.	<u>National Gypsum Co. v. EPA, PCB 71-99, Council Chambers, City Hall, 106 N. Utica St., Waukegan, Illinois.</u>

July 7, 8, & 9	10:00 a.m.	<u>EPA v. Modern Foundry & Manufacturing Co., PCB 71-108, City Council Chambers, Belleville, Illinois.</u>
July 8	10:00 a.m.	<u>Board Meeting, Belleville Court House, Belleville, Illinois.</u>
July 8	10:00 a.m.	<u>Scott Volkswagon, Inc. v. EPA, PCB 71-112 Waukegan Public Library, 128 North County, Waukegan, Illinois.</u>
July 13	9:15 a.m.	<u>Ray Wickstrom, PCB 71-105</u>
	10:30 a.m.	<u>Howard & Barbara Weinstein, PCB 71-107</u>
	11:45 a.m.	<u>David S. McAdams, PCB 71-113</u>
	2:00 p.m.	<u>Robert D. Charles, PCB 71-122</u>
	3:15 p.m.	<u>Dole Construction Co., PCB 71-126; Waukegan Public Library, 128 North County, Waukegan, Illinois.</u>
July 14	10:00 a.m.	<u>City of Monmouth, Ill. v. EPA, PCB 71-121 City Hall Council Chambers, 112 N. Main St., Monmouth, Illinois. (Corrected Date).</u>
July 14 & 15	10:00 a.m.	<u>Sherwin-Williams Co., PCB 71-111; Graham Paint & Varnish Co., Inc., PCB 71- General Paint & Chemical Co., PCB 71-115; Enterprise Paint Mfg. Co., PCB 71-116 Armstrong Chemcon, Inc., PCB 71-117; Jewel Paint & Varnish Co., PCB 71-118; The Valspar Corp., PCB 71-119; N.L. Industries, Inc., PCB 71-120; Illinois Liquor Control Commission Hearing Room, Room 419, 188 W. Randolph St., Chicago, Illinois.</u>
July 21 & 22	10:00 a.m.	<u>Ralston Purina v. EPA, PCB 71-88, University Union, 3rd floor lounge on July 21, Ballroom on July 22, Illinois State University, Normal, Illinois.</u>
July 29	10:00 a.m.	<u>EPA v. Eli Amigoni, PCB 71-89, Supervisor Office, Court House, Eureka, Illinois. (Corrected Date).</u>
July 23	10:00 a.m.	<u>Henry Hannah v. Minnesota Paints, Inc., PCB 71-123, City Hall Council Chambers, 915-16th Ave., East Moline, Illinois</u>

LATE NOTICES

June 17 18, 24, 25 & 28 thru July 2.	9:30 a.m.	<u>EPA v. Granite City Steel Co., PCB 70-34 Curcuit Court Courtroom, City Hall, Granite City, Illinois.</u>
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ILLINOIS POLLUTION CONTROL BOARD
COMING FORMAL MEETINGS AND HEARINGS

June 17 & 18	10:00 a.m.	<u>Lake Michigan Waste Water Discharge Prohibition R 71-5, and Proposed Water Quality Standards Revisions, R 71-14, Auditorium, Technological Institute, Northwestern University, Evanston, Illinois.</u>
June 17	9:30 a.m.	<u>EPA v. J.C. Dill, PCB 71-42, Danville City Hall, Danville, Illinois.</u>
June 18	10:00 a.m.	<u>Robert H. Monyek v. EPA, PCB 71-80, Waukegan City Hall, 106 N. Utica, Waukegan, Illinois.</u>
June 18	1:00 p.m.	<u>National Starch & Chemical Corp. v. EPA, PCB 71-83, Village Hall, Meridosia, Ill.</u>
June 19	10:00 a.m.	<u>EPA v. Claremont Hills Water & Sewer Co., Inc. PCB 71-87, McHenry County Court House Annex, 121 W. Calhoun, Woodstock, Illinois.</u>
June 21	10:00 a.m.	<u>Robert C. Wagnon v. EPA, PCB 71-85, 10th Floor, Lake County Court House, Waukegan, Illinois.</u>
June 21 22 & 23	1:00 p.m. 10:00 a.m.	<u>EPA v. City of Champaign v. The Board of Trustees of the University of Illinois and Alpha Material and Fuel Company, PCB 71-51C, Champaign City Council Chambers, Champaign, Illinois. Hearing continued from June 6, 1971.</u>
June 23	10:00 a.m.	<u>Elgin Jaycees v. Tri-County Landfill Co. et. al., PCB 71-59, Pre-hearing conference, City Council Chambers, Elgin Municipal Bldg., 150 Dexter Ct., Elgin, Illinois.</u>
June 23	10:00 a.m.	<u>Board Meeting, Chicago Circle Campus, 750 S. Halsted St., Chicago, Illinois.</u>
June 24	10:00 a.m.	<u>Chambers, Bering, Quinlan Co. v. EPA, PCB 71-102, Supervisors Room, Macon County Building, Decatur, Illinois.</u>
June 24	10:00 a.m.	<u>Proposed Water Quality Standards Revision R 71-14, State of Illinois Regional Office Building, 4302 N. Main St., Rockford, Illinois.</u>
June 24	10:30 a.m.	<u>Employees of Holmes Brothers v. Merlan, Inc. and L. Mervis, PCB 71-39, City Council Chambers, City Hall, Danville, Illinois.</u>

June 25	10:00 a.m.	<u>Proposed Water Quality Standards Revisions, R 71-14, Galena City Hall, Galena, Illinois.</u>
June 25	10:30 a.m.	<u>John Ciancio v. EPA, PCB 71-100, Waukegan Public Library, 128 N. County, Waukegan, Ill.</u>
June 25	1:30 p.m.	<u>Mr. and Mrs. Wallace W. Piroyan v. EPA, PCB 71-103, Waukegan Public Library, Waukegan, Ill.</u>
June 25	10:30 a.m.	<u>EPA v. Charles Rhodes, PCB 71-53, Room 502, Macon County Courthouse, 253 E. Wood Street, Decatur, Illinois.</u>
June 26	10:00 a.m.	<u>Citizens Utilities Co. of Ill. v. EPA, PCB 71-125, DuPage County Sheriff's Office, Courtroom #7, 205 Reber, Wheaton, Illinois. (Accelerated Date).</u>
June 28	10:00 a.m.	<u>Quad City Area Regional Air Pollution Control Board v. Village of Cordova, PCB 71-97, County Building, 1504 Third Ave., Rock Island, Illinois.</u>
June 29	10:00 a.m.	<u>Proposed Water Quality Standards Revision R 71-14, Central Jr. High School, Auditorium, Granite City, Illinois.</u>
June 29	10:00 a.m.	<u>EPA v. Williamson County Housing Authority, PCB 71-109, City Hall Herrin, Illinois.</u>
June 29 & 30	10:00 a.m.	<u>EPA v. City of Urbana v. Urbana & Champaign Sanitary District, Saline Branch Drainage District, and the Board of Trustees of the University of Ill., PCB 71-51U, Urbana City Council Chambers, Urbana, Illinois.</u>
June 29 - July 2	10:00 a.m.	<u>U.S. Industrial Chemical Co. v. EPA, PCB 71-44, Forty-Martyrs School Hall, Tuscola, Illinois.</u>
June 30	10:00 a.m.	<u>Proposed Water Quality Standards Revision R 71-14, Southern Illinois University, Neckers Hall, B-440, Carbondale, Illinois.</u>
June 30	9:30 a.m.	<u>Flintkote v. EPA, PCB 71-68, Wabash County Courthouse, 4th & Market, Mount Carmel, Illinois.</u>

June 30 & July 7	10:00 a.m.	<u>EPA v. Incinerator, Inc.</u> , PCB 71-69, Cicero Public Library, 5221 W. Cermak Rd., Cicero, Illinois.
June 30	10:00 a.m.	<u>EPA v. City of Marion</u> , PCB 71-25, 2nd Floor Courtroom, City Hall, Marion, Illinois.
July 1	10:00 a.m.	<u>Standard Brands v. EPA</u> , PCB 71-98, City Hall, Pekin, Illinois
July 1	10:00 a.m.	<u>National Gypsum Co. v. EPA</u> , PCB 71-99, Council Chambers, City Hall, 106 N. Utica St., Waukegan, Illinois.
July 7, 8, & 9	10:00 a.m.	<u>EPA v. Modern Foundry & Manufacturing Co.</u> , PCB 71-108, City Council Chambers, Belleville, Illinois.
July 8	10:00 a.m.	<u>Freeman Coal Mining Corp. v. EPA</u> , PCB 71-78, City Council Chambers, 1100 Main St., Mt Vernon, Illinois.
July 8	10:00 a.m.	<u>Scott Volkswagon, Inc. v. EPA</u> , PCB 71-112 Waukegan Public Library, 128 North County, Waukegan, Illinois.
July 8	10:00 a.m.	Board Meeting, Belleville Court House, Belleville, Illinois.
July 12	9:30 a.m.	<u>EPA v. Bath, Inc. and John C. Walker</u> , PCB 71-52, Room 502, Macon County Court- house, 253 Eastwood, Decatur, Illinois.
July 13	9:15 a.m. 10:30 a.m. 11:45 a.m. 2:00 p.m. 3:15 p.m.	<u>Ray Wickstrom</u> , PCB 71-105 <u>Howard & Barbara Weinstein</u> , PCB 71-107 <u>David S. McAdams</u> , PCB 71-113 <u>Robert D. Charles</u> , PCB 71-122 <u>Dole Construction Co.</u> , PCB 71-126; Waukegan Public Library, 128 North County, Waukegan, Illinois.
July 14	10:00 a.m.	<u>City of Monmouth, Ill. v. EPA</u> , PCB 71-121 City Hall Council Chambers, 112 N. Main St., Monmouth, Illinois. (Corrected Date).

July 14 10:00 a.m.
 & 15

Sherwin-Williams Co., PCB 71-111;
Graham Paint & Varnish Co., Inc., PCB 71-
General Paint & Chemical Co., PCB 71-115;
Enterprise Paint Mfg. Co., PCB 71-116;
Armstrong Chemcon, Inc. PCB 71-117;
Jewel Paint & Varnish Co., PCB 71-118;
The Valspar Corp., PCB 71-119;
N.L. Industries, Inc., PCB 71-120;
Illinois Liquor Control Commission Hearing
Room, Room 419, 188 W. Randolph St.,
Chicago, Illinois.

July 21 10:00 a.m.
 & 22

Ralston Purina v. EPA, PCB 71-88,
University Union, 3rd floor lounge on
July 21, Ballroom on July 22, Illinois
State University, Normal, Illinois.

July 29 10:00 a.m.

EPA v. Eli Amigoni, PCB 71-89, Supervisor
Office, Court House, Eureka, Illinois.
(Corrected Date).

July 23 10:00 a.m.

Henry Hannah v. Minnesota Paints, Inc.,
PCB 71-123, City Hall Council Chambers,
915-16th Ave., East Moline, Illinois.

LATE NOTICES

June 17, 9:30 a.m.
 18, 24, 25,
 & 28 thru July 2.

EPA v. Granite City Steel Co., PCB 70-34
Curcuit Court Courtroom, City Hall,
Granite City, Illinois.

June 17 10:00 a.m.
 & 18

Lloyd A. Fry Roofing Co. v. EPA, PCB 71-4
71-33, One North LaSalle St., Suite 3700,
Chicago, Illinois (Corrected Date).

July 23 10:00 a.m.
 & 30

DuPage County Regionalization, R 70-17
location to be announced.

July 26 10:00 a.m.

Monsanto Co. v. EPA, PCB 71-110, Sauget
City Hall, 2897 Monsanto Avenue, Suaget,
Illinois.

ILLINOIS POLLUTION CONTROL BOARD
June 9, 1971

In the Matter of)

)
) # R 70-17
)

DU PAGE COUNTY REGIONAL)
SEWAGE TREATMENT)

NOTICE OF PROPOSED REGULATIONS

Notice is hereby given that the Pollution Control Board, following earlier inquiry hearings on the subject, has authorized public hearings to be held for the purpose of receiving testimony relating to the adoption of the following proposed new regulations. Mr. George Sullivan will serve as hearing officer and Mr. Jacob Dumelle as attending Board Member. Hearings will be held as follows:

Public testimony is invited.

PROPOSED REGULATIONS
(Authorized for hearing only, June , 1971.
Not yet adopted by the Board.)

CHAPTER IV: WATER POLLUTION
PART 11: Regional Sewage Treatment

- 1101 Preamble. The proliferation of numerous small sewage treatment plants in densely populated and rapidly developing Du Page County constitutes a severe and intolerable impediment to the correction of present water pollution and a continuing threat of additional pollution in the future. Not only do the higher unit costs of constructing and operating small plants waste finite dollars and therefore contribute to pollution; small plants cannot produce as satisfactory an effluent as can larger plants, because they cannot provide certain types of sophisticated treatment, because they cannot practicably be adequately supervised or maintained, and because they cannot provide adequate standby treatment capacity to prevent pollution in the event of a malfunction. The establishment or continued operation of sewage treatment plants so small as to exhibit these deficiencies, in areas such as DuPage County where the population density is high enough to make larger plants economically feasible and indeed economically far more desirable, is contrary to the anti-pollution policy of the Environmental Protection Act.
- 1102 Regional Plants to Be Constructed. On or before January 1, 1975, all sewage treatment plants now or then existing in DuPage County shall be replaced by nine plants designed and constructed in substantial accordance with the Regional Wastewater Plan approved by the Northeastern Illinois Planning Commission March 3, 1971. Governmental agencies operating these nine plants shall thereafter accept and treat all sewage from tributary areas as designated by that Plan, and all other sewage treatment plants in DuPage County shall cease operation, except as provided in Rule 1005 of this Chapter.
- 1103 Programs to Be Submitted. On or before January 1, 1972, the County of DuPage and every municipality or sanitary district with current responsibility for the treatment of sewage in DuPage County shall file with this Board and with the Environmental Protection Agency a detailed and firm program for compliance with the requirements of Rule 1102 of this Chapter. Such programs, preferably submitted on a joint basis, shall include among other things the following:

- a. A description of the location, capacity, treatment facilities, cost, and service area for the proposed plant that is to accept and treat the sewage from the area under the applicant's jurisdiction;
- b. A firm commitment by one or more responsible governmental agencies to construct and operate the proposed plant, together with a firm schedule for design, award of contracts, commencement of construction, full operation, and abandonment of obsolete plants;
- c. A firm commitment by the affected governmental agencies for the financing of the necessary facilities, through taxation, user charges, revenue and general obligation bonds, special assessments, connection charges, loans, grants, contracts, or otherwise;
- d. An attorney's opinion affirming and explaining the authority of the responsible governmental agencies to carry out their undertaking as described;
- e. Assurance that the program conforms with Rule 1002 of this Chapter and with all applicable regulations respecting air and water pollution and the disposal of solid waste;
- f. Assurances as to what interim measures will be provided to secure compliance with applicable regulations regarding sewage treatment, including water quality standards, before January 1, 1975.

1104 Compliance Hearing. (a) Upon receipt of the programs required by Rule 1103 of this Chapter, or in default of their timely receipt, the Board shall schedule a hearing or hearings in accordance with Chapter 1 of these Rules and Regulations, in which to determine whether the programs submitted will achieve compliance with this Part. The governments specified in Rule 1103 of this Chapter shall be parties petitioner in such hearings, and the Environmental Protection Agency shall be respondent. The Agency may file a countercomplaint against any person allegedly responsible for any failure to conform with the requirements in this Part.

b. After hearings as specified in paragraph (a) of this Rule, the Board shall determine whether the programs submitted are adequate to achieve compliance with this Part. The Board may modify the submitted programs in any manner conducive to the achievement of the policies or requirements of this Part, and shall order the parties to do whatever is necessary or proper to achieve those ends.

- 1105 Future Construction. No permit shall be granted for the construction or operation of any additional sewage treatment plant in DuPage County, except for interim facilities in the event of a demonstrated emergency, that does not conform with the principles of the Regional Wastewater Plan described in Rule 1102 of this Chapter, or that is of capacity so small as to produce significant diseconomies of scale or to create a significant risk of inadequate treatment, according to the policies expressed in Rule 1101 of this Chapter.
- 1106 Limitation on New Connections. After January 1, 1975, no source of wastes may be connected, and no existing source may be increased in the strength or volume of discharge, to any sewer in DuPage County not tributary to a sewage treatment plant that meets the requirements of this Part.
- 1107 Other Regulations Preserved. Nothing in this Part shall relieve any person from the obligation to comply in all respects with any existing or future regulations, including but not limited to the water quality standards and implementation plan for streams in DuPage County.

R 70-17
DuPage County Regional Sewage Treatment

EXPLANATION OF PROPOSED REGULATIONS
(by Mr. Currie)

DuPage County, bedroom to Chicago, is experiencing the familiar growing pains of a rapidly developing suburban area. Beset by a typical multiplicity of local governments and with its county government hampered by a legal incapacity to supplant local sewage treatment facilities without local consent, DuPage has sprouted an inordinate number of separate treatment plants (83 in 1970 (R. 319)), many of them quite small indeed, and in many cases quite close to one another.¹ Small plants are a necessity in remote areas sparsely populated, but not in DuPage County, which has a high population density and a considerable total population. In DuPage County the costs of transporting sewage to central locations for treatment are low.

Inquiry hearings held in February 1971 have established the disadvantages of unnecessarily small plants, including their threat of pollution, as set forth in the proposed Rule 1001. The testimony of Dr. John Pfeffer of the Institute for Environmental Quality (R. 176-94) is a concise summary of this proof. Operation costs for a plant treating one million gallons per day, he testified, are three times those of a plant treating 100 million gallons, on a per-gallon basis; construction costs are considerably higher as well. As an example of the savings of regional sewage treatment, Dr. Pfeffer cited costs of alternative treatment systems to serve Albany County, New York: For each of the eight affected municipalities to treat its own sewage would have cost \$78,500,000, required 110 operating personnel, and cost \$29.00 per capita for the first year. A regional two-plant system cost \$53,100,000 and required only 35 operators, at half the per capita cost.

On the question of the unsatisfactory effluent from small plants Dr. Pfeffer referred to the use of less effective trickling filters for secondary treatment in such plants, because of the necessity for expert operators, beyond the means of small plants, to run the more acceptable activated sludge facilities. This fact we have recognized in prescribing more lenient effluent standards for small plants (e.g., SWB-12, SWB-13, as amended by # R 70-3, Jan. , 1971); it is an additional reason why we cannot allow unnecessarily small plants in areas that can support large ones. Dr. Pfeffer pointed also to the probability that sophisticated advanced treatment methods required now or in the future will likewise be beyond the effective competence of small plants. Moreover, he testified, larger plants are more reliable, both because

¹ For exacting details see Northeastern Illinois Planning

of better maintenance and because of their backup capacity to avoid pollution during malfunctions. In a larger plant, he said,

You have generally multiple units, which, if one of the particular units becomes inactivated for some reason, you can increase the load slightly to the remaining unit without markedly affecting the efficiency.

If you are sitting here with a small plant that has one primary clarifier and you have to shut that clarifier down to replace the mechanism then all the water is bypassed, and in the past it has been letting raw sewage into the stream

So far as our hearings have disclosed, everybody agrees, and has agreed for years, that the present proliferation of small plants is intolerable and that they should be promptly replaced by eight to a dozen relatively large plants each serving a relatively large area. The County has been pressing for regionalization since 1956 (R. 27). The DuPage County Association of Sanitary Districts endorsed a plan for regional treatment in 1966 (R. 20). The DuPage County Mayors and Managers Conference in February of this year adopted a plan for regional treatment (R. 9).

Thus the various governments responsible for sewage treatment in DuPage County-- the municipalities through their Mayors and Managers, the Sanitary Districts, and the County itself--all agree as to what should be done. But they are unable to decide who is to do it or how it is to be paid for. A 1970 bond issue to establish a county-operated regional system was roundly defeated, apparently chiefly because it was thought to impose an excessive proportion of the financial burden on areas of the county that already had provided for their own sewage treatment (R. 9, 22, 23). Even today there remains disagreement. The County apparently expects to run the regional plants (R. 27-31); the municipalities want to control a county-wide waste water board operating several subregional plants (R. 16-17); the sanitary districts want the county divided into several independent sanitary districts (R. 202, 235-36).

In the meantime it is alleged that cities sometimes refuse to accept sewage from outside their boundaries, necessitating the construction of inefficient small plants or the undesirable use of septic tanks in densely populated areas (R. 251, 263) and that the county has blocked the expansion of existing sanitary districts (R. 229-30). At the same time the cities and sanitary

districts do not seem eager to ask the county to take over their functions. Federal construction grants are unavailable for DuPage County until a regional plan is established (R. 121, 125). Bills have been introduced in the General Assembly to set up various regional treatment authorities with the requisite financial powers (R. 16, 234-35). They languish for want of consensus over who is to be abolished and who expanded. We have even been asked by a respectable quasi-public agency to allow inadequate facilities to continue violating the pollution standards while the debate goes on (R. 61). The situation is exquisitely Byzantine.

Legislation to clarify the administrative responsibility and financial authority for carrying out the agreed program is obviously desirable. The General Assembly should create, without referendum, a county-wide sanitary district with exclusive authority to construct and operate sewage treatment facilities throughout the county, and with adequate authority to raise money by taxes, general obligation and revenue bonds, special assessments, user and connection charges, and other means. The County, or the General Assembly, should also enact a subdivision ordinance, if one is not now in effect, requiring any new land developer to pay the cost of additional facilities required to collect and treat its anticipated sewage before permission is given to begin development. We trust some such legislation will be enacted this autumn.²

We cannot, however, count on it, nor afford to wring our hands while we wait. It has taken fifteen years already, and nothing has been done. We have no assurance that legislation will be forthcoming. The existing governments in DuPage County have authority to do what is necessary even under the present patchwork laws; and what they have power to do we can and should order them to do in order to remove the present threat of pollution. See Environmental Protection Act, section 13 and 13 (c), authorizing the Board to adopt regulations to prevent water pollution, specifically including standards relating to the construction and operation of facilities designed to prevent pollution.

2. The bill proposed by DuPage and Lake Counties to allow for county-run subregions each bearing its own costs would be satisfactory if it did not leave the creation of subregions up to a referendum and allow deannexation by local option, and if section 46 of the Environmental Protection Act were simultaneously amended to include counties, as discussed below.

The County and all municipalities and Sanitary districts have authority to construct, acquire, and operate sewage treatment facilities (Ill. Rev. Stat., ch. 24, § 11-141-2 (Municipalities); ch. 34, § 3111 (counties); ch. 42, §§ 306, 306.1 (sanitary districts). All have the power of condemnation without regard for municipal or sanitary district boundaries (ch. 24, § 11-141-2; ch. 34, § 3110; ch. 42, § 307). Municipalities and sanitary districts may accept and treat sewage from outside their boundaries (ch. 24, § 11-146-1; ch. 42, § 316); may contract with one another, if adjacent, for the common construction or use of facilities (ch. 24, § 11-147-1); and may contract for the county to provide sewage treatment, the local government paying its share of costs (ch. 24, § 11-147-4; ch. 34, § 3131). All these governments have authority to raise funds by revenue and general obligation bonds, by user and connection charges, by general taxation, and by special assessment under the new Constitution effective July 1 (R. 168).

The Northeastern Illinois Planning Commission, after extensive study, has adopted a Regional Wastewater Plan for the Chicago metropolitan area. This plan, endorsed by the Environmental Protection Agency at our hearings (R. 149), contemplates a nine-plant system consisting of the existing plants operated by Glen Ellyn and West Chicago and by the Wheaton and Hinsdale Sanitary Districts; a consolidation of the existing Elmhurst and Salt Creek Sanitary District plants; and new plants at Naperville, Woodridge, and (two) in the Addison-Woodridge area (See NIPC, Regional Wastewater Plan, adopted March , 1971; R. 59-61, 63-64). This plan appears, on the basis of the evidence so far before us, to be an entirely reasonable means of eliminating the present problem. In the absence of contrary evidence, we think it should be carried out at once.

We could draft regulations prescribing exactly which government is to build which plant. It would appear sensible, if nothing better can be worked out in a reasonable time, that the Wheaton and Hinsdale Sanitary Districts and Elmhurst, Glen Ellyn, and West Chicago each take responsibility for treatment in its region, since they are operators of existing plants that are to be expanded to become parts of the new plan, and that the County build the new plants. Or we could order everyone else to contract for the County to supply service everywhere. We shall not hesitate to order just this if the parties and the legislature cannot agree on a better institutional framework such as a single county-wide district as suggested above. But we propose to allow six months for such a framework to be created before doing so. Consequently the present proposal is to require the implementation of the NIPC plan by January, 1975, allowing six months for a resolution of the administrative

questions, which will be settled in an adjudicative Board hearing that will approve a final detailed program, and three years for the construction of facilities. The proposal makes clear that future plants must conform to the regional principle; that no new development will be permitted after 1975 until regionalization is accomplished; and that regionalization will not be permitted to postpone compliance with existing or future water quality standards or requirements for advanced waste treatment.

Mayor Nottke of Itasca put the matter clearly and succinctly:

There has been much talk, much dialog, much discussion going on, and nothing has been done I think we are going to lean on the Pollution Control Board We need you here to say, "This must be done." We can't sit back and wait on the county or the mayors and managers to come up with a solution, because in my opinion . . . it will never happen. We are not going to get an agreement because we have constant bickering between the sanitary districts and the communities. They are all looking for perpetuation of their system, for autonomy, for control. I think it has got to be taken away and I say the Pollution Control Board has to be the controlling agency and you have to come up with a definite situation and say, "This is going to be it." You have a mandate from the people of DuPage County, and that is to form a nine-plant district (R. 275, 280, 289).

We agree that it is for us to unravel the present jam by prescribing what shall be done. We cannot create sanitary districts, but we can order plants built and intend to do so. The streams cannot wait for consensus among those who will not come to terms. We add that it is not only the people of DuPage County who suffer from the inability of their governments to get together on this issue; those downstream of DuPage's inadequate plants are forced to accept whatever DuPage puts into its revolting streams. It is therefore imperative that the people of the County not be permitted a veto power over the construction of necessary treatment works, and it will become even more essential, if the Legislature chooses to entrust the job of carrying out NIPC's plan to the County itself, that section 46 of the Environmental Protection Act be amended, as the Board has already requested, to permit non-referendum bonds by counties as well as by other local governments when ordered by this Board. The omission of counties from section 46 was an oversight that has no justification in policy; we urge once again that it be quickly rectified.

Public comment on the proposed regulations is invited.

D-7-16

ASBESTOS REGULATIONS:
CONTROL OF SPRAY INSULATION

PREAMBLE

It is hereby determined that the uncontrolled discharge of asbestos fiber into the environment tends to severely endanger the public health and welfare and that the uncontrolled spraying of other fiber-containing material unreasonably interferes with the enjoyment of life and property.

1. Definitions

- | | | |
|---------------------|---|--|
| Agency | - | The Illinois Environmental Protection Agency. |
| Asbestos | - | Any fiber or any mixture containing fiber of hydrated silicate mineral, which, on the basis of its crystalline structure, falls into one of two categories:

(1) pyroxenes - chrysotile fiber;
(2) amphiboles - crocidolite, amosite, tremolite, actinolite or anthophyllite fiber. |
| Commercial Activity | - | Any activity done for hire or having financial profit as a primary aim. |
| Debris | - | Asbestos-containing waste produced by the demolition of a structure. |
| Spraying | - | The pneumatic application of material used for fireproofing or insulation. |
| Waste | - | Any asbestos-containing matter which has been or is intended to be discarded. |

2. General Requirements

No commercial activity, not otherwise hereinafter prohibited, involving the discharge of asbestos fiber into the environment from the construction, alteration, repair or demolition of a structure or from the processing or manufacturing of asbestos-containing products, shall be conducted unless the person or entity in charge of such activity complies with the following regulations:

A. A permit shall be obtained from the Environmental Protection Agency to engage in such activity. Before obtaining such permit, the applicant shall demonstrate compliance with the following safeguards:

(1) The designation of personnel to exercise full-time supervisory authority over all aspects of the activity from which the release of asbestos fiber into the environment could result, in such a manner as to insure compliance with the pertinent asbestos control regulations.

(2) That each employee engaged in such activity has completed or will complete a satisfactory course of instruction on the potential hazards of exposure to asbestos fiber including the precautions that must be observed to prevent or restrict the dispersion of asbestos fiber into the environment.

(3) That such additional safeguards as are hereinafter specifically required and such precautions consistent with the purpose of these regulations as the Environmental Protection Agency deems necessary under the circumstances shall be complied with.

B. Facilities shall be provided and procedures instituted and supervised that prevent the removal of asbestos-containing material from the site on the clothing of employees.

C. Asbestos-containing wastes shall be immediately vacuumed or otherwise collected where vacuuming is impossible, and shall be placed in a container resistant to tearing or breaking under normal handling conditions, which shall be tightly sealed and clearly marked as containing asbestos waste. Such containers shall be placed directly upon a vehicle for disposal by burial at an approved site.

This subsection (C) shall not apply to the demolition of a structure, except as provided in Section 4(A)(1) and (6) or to the disposal of sludge waste except as provided in Section 5(C).

3. SPRAY FIREPROOFING
AND INSULATION

A. The spraying of asbestos-containing material is prohibited.

B. Non-asbestos particulate matter used for insulation or fireproofing shall not be sprayed unless the following procedures are taken:

(1) Before the start of spraying operations, all floor areas shall be swept clean and cleared of all objects, material and equipment other than that employed in the application of the fiber-containing material, or, in the alternative, all such objects, material and equipment shall be covered with plastic or plastic-coated tarpaulins.

(2) The entire floor or area to be sprayed shall be enclosed with plastic or plastic-coated tarpaulins in a manner which shall preclude the escape of fiber-containing material from the enclosure. All interior open areas such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of fiber-containing material from the working area. "Stack effect" of the shafts, stairwells and comparable spaces shall be considered in providing proper enclosures.

(3) Regardless of adherence to the stated control practices, any visible emission of fiber-containing materials beyond the building perimeter will be considered a violation.

(4) In case of visible emission of fibrous material from the construction site, immediate steps shall be taken to cause the cessation of such emissions by either effective control measures or work stoppage at the source of the emissions. There shall then be immediate and complete cleanup of all material that has escaped the construction site, and measures shall be taken that will insure that no further dispersal of any fibrous material into the atmosphere can occur.

(5) The entire sprayed area, all ledges and surfaces including tarpaulins within the enclosure shall be thoroughly vacuumed upon completion of the spraying operation and immediately before the enclosure is dismantled. The vacuum cleaner shall contain a strong, single service, disposable inner bag of durable material which shall be removed from the vacuum cleaner and tightly sealed. The bag shall then be placed in a container and disposed of at an approved site in accordance with Section 1(C).

(6) All areas used for opening bags containing fibrous material or the changing of hoppers shall be enclosed so as to prevent the escape of such material from the immediate area in which such activity occurs.

(7) Any plenum or other structure coated with or containing fibrous insulation and used in the circulation of air in a building

shall be thoroughly cleaned of all debris and waste insulation. All applied fiber-containing insulation within a plenum or duct shall be coated with a sealant which precludes exposure of the fiber-containing material to the circulating air.

4. CONSTRUCTION, ALTERATION AND REPAIR OF STRUCTURE

A. (1) The cutting, trimming, fitting or stripping of asbestos-containing material in the construction, alteration or repair of a structure which is done at the site of such structure shall be conducted within a special enclosure designed to preclude the escape of asbestos fiber from the immediate area of such enclosure.

(2) The mechanical exhaustion of dust from such enclosure to the ambient air is prohibited unless such exhaust system is equipped with a fabric filter for dust collection.

B. Asbestos-containing material applied in the construction alteration or repair of a structure shall be coated with a sealant, provided with a cover or installed in some other manner so as to preclude exposure of the asbestos fiber to the circulating air.

5. DEMOLITION

A. Where the risk of public exposure to asbestos fiber from the dislodging of asbestos-containing materials is present, no demolition of a structure shall be initiated unless all safeguards necessary and practicable to reduce the emission of dust are taken.

Such procedures shall include, but are not necessarily limited to:

(1) Boilers and pipes insulated with asbestos-containing material shall be wetted and stripped before toppling of walls is begun. This procedure shall be followed, where practicable, as to all other asbestos-lined surfaces. Such asbestos waste shall be immediately bagged and disposed of in accordance with Sec. I(C).

(2) Demolition by toppling of walls is prohibited except within an enclosure approved by the Environmental Protection Agency as part of the permit granted for demolition of that structure.

(3) Before the demolition of any section of the structure, adequate wetting to suppress the dust shall be employed.

(4) Asbestos-containing debris shall not be dropped or thrown from any floor but shall be transported by dust-tight chutes or buckets. Asbestos-containing debris in chutes or buckets shall be sufficiently wetted to preclude dust dispersion at the point of discharge.

(5) All asbestos-containing debris shall be thoroughly wetted before loading into trucks, other vehicles or containers. During transport such waste shall be enclosed or covered so as to prevent dust dispersion. Asbestos-containing debris shall be disposed by burial at an approved site.

B. In the event asbestos-containing matter becomes air-borne beyond the property boundaries or in the event freezing temperatures preclude the use of water for dust suppression, demolition work shall cease until adequate alternate measures can be taken.

6. MANUFACTURING

A. (1) No factory, plant or enterprise which engages in the processing or manufacturing of any asbestos-containing product shall emit asbestos fiber into the ambient air in excess of .5 fiber per cubic centimeter of air. The ambient air quality at the boundary of such factory, plant or enterprise shall not exceed .05 fiber per cubic centimeter of air.

(2) Only fibers of 5 microns or greater in length with a length to breadth ratio of 3 to 1 shall be counted..

(3) Sampling shall be determined by the membrane filter method with phase contrast microscopy at 430 X magnification.

B. No water used in processing or manufacturing which contains concentrations of asbestos fiber shall be discharged into sewage systems or to the waters of Illinois.

C. Waste sludge containing asbestos collected from settling ponds shall be enclosed during transport and shall be disposed by burial at an approved site.

7. ASBESTOS-CONTAINING PRODUCTS

It is hereby determined that the continuous emission of asbestos fiber from asbestos-containing products contributes sig-

nificantly to the increasing volume of asbestos-fiber in the ambient air and endangers the health of future generations.

A. No product which may emit asbestos-fiber during its transportation shall be transported unless such product is enclosed in such a manner as to preclude the emission of asbestos fiber into the ambient air.

B. The use of asbestos in the brake lining of vehicles manufactured after January 1, 1975, and sold for use in Illinois is prohibited.