

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
FEBRUARY 4, 1993 CHICAGO, ILLINOIS**

All Board Members were present save M. Nardulli who is ill.

An Order was adopted in #AS 91-3, Peoria Disposal Company, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #AC 92-37(B), Gerald B. Miller, by a vote of 5-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #92-120, Amerock Corporation, by a vote of 6-0. (JTM)

An Opinion and Order was adopted in #92-123, Chemrex, Inc., by a vote of 6-0. (JA)

An Opinion and Order was adopted in #92-132, Leroy Brown & Sons, by a vote of 6-0. (GTG)

An Opinion and Order was adopted in #92-157, Greenville Airport Authority, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #92-185, People of the State of Illinois v. Maple Park Oil and Robert C. Nelson, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

In R92-3, Safe Drinking Water Act Update, USEPA Regulations (June 1, 1991 through December 31, 1991), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 6-0. B. Forcade concurred. (JA)

In R92-13, UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

In R93-5, UST Update, USEPA Regulations (July 1, 1992 through December 31, 1992), a Proposed Rule, Dismissal Order was adopted by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##92-87, Village of Atkinson; 92-88, James Laurenzana.

Respondent's motion to consolidate was granted in ##AC 92-76, -80, Duane Arnold, by a vote of 6-0. (JCM)

An Order directing the parties to file status reports to be received by the Board on or before May 3, 1993, was adopted in #AS 90-5, R. Lavin & Sons, by a vote of 6-0. (RCF)

An Order staying the proceedings until May 3, 1993, and also directing the parties to file another status report on May 3, 1993, was adopted in #AS 91-8, Reynolds Metals Company, by a vote of 6-0. (JCM)

An Order accepting Petitioner's answer to the Agency's response and the Agency's reply to Petitioner's answer, denying Petitioner's alternative motion to strike and leave to file a reply, was adopted in #AS 92-6, C.J. Goodall Tire Company, by a vote of 6-0. (GTG)

Agency motion to extend the time to file a response was granted until June 21, 1993, in #AS 92-14, Quantum Chemical, by a vote of 6-0. (RCF)

An Order directing the parties to file a status report with the Board on or before February 19, 1993, was adopted in #90-24, Rock-Ola Manufacturing, by a vote of 6-0. (JA)

An Order directing the parties to submit status reports to be received by the Board on or before May 3, 1993, was adopted in #90-31, R. Lavin & Sons, by a vote of 6-0. (RCF)

An Order directing the parties to file a status report to be received by the Board no later than February 18, 1993, which shall include an estimated date for conclusion of the matter, or the case will be dismissed for want of prosecution, was adopted in #90-214, Quantum Chemical Corporation, by a vote of 6-0. (JA)

An Order directing the parties to file an updated status report to be received by the Board no later than April 1, 1993, which shall include an estimated date for conclusion of the matter, was adopted in #90-215, Spraying Systems, by a vote of 6-0. (JA)

An Order directing the parties to provide written status reports to be received by the Board no later than March 16, 1993, was adopted in #91-94, Indian Refining, by a vote of 6-0. (RCF)

An Order directing the parties to submit status reports to be received by the Board on or before May 3, 1993, was adopted in #91-139, R. Lavin & Sons, by a vote of 6-0. (RCF)

Petitioner's agreed motion for dismissal was granted in #92-10, Kelley-Williamson Company, by a vote of 6-0. (BF)

Complainant's motion to stay a January 21, 1993 Interim Order was granted until March 8, 1993, in #92-68, Chem-Plate Industries, by a vote of 6-0. (JA)

By a vote of 6-0, the Agency's motion for reconsideration was granted, and upon reconsideration, the Board affirmed its November 19, 1992 finding that the tank removal costs did constitute

corrective action, and are thus reimbursable in #92-81, James Lynch. (JTM)

An Order directing the Agency to file its Recommendation to be received by the Board no later than March 3, 1993, was adopted in #92-90, Robertson-Ceco Corporation, by a vote of 6-0. (GTG)

An Order granting summary judgment on the issue of the deductible in favor of the Petitioner, directing the Agency to impose a \$10,000.00 deductible, directing the Agency to reimburse the Petitioner for \$2,275.00 in supplemental soil sampling and analysis costs, upon presentation of cancelled checks reflecting payment of those costs, and remanding the case to the Agency for payment of reimbursable costs to the Petitioner, consistent with the Order, and closing the docket, was adopted in #92-118, Ideal Heating Company, by a vote of 5-1. B. Forcade dissented. (JTM)

An Order vacating the January 21, 1993 set for hearing Order, and holding the matter for an Agency Recommendation, was adopted in #92-180, We-Shred-It, Inc., by a vote of 6-0. (JTM)

An Order granting Petitioner's motion to withdraw its petition for variance, was adopted in #92-182, Spectrulite Consortium, by a vote of 6-0. (JA)

Agency motion to file the Record Instanter was granted in #92-210, Estate of Larry Junkin, by a vote of 6-0. (JTM)

A joint motion for extension of time to file an answer to the complaint was granted until February 17, 1993, in #92-215, Douglas & Nancy Locke, by a vote of 6-0. (RCF)

An Order granting the Agency's motion to reconsider, and upon reconsideration, rescinding the January 7, 1993 Board Order, accepting Petitioner's waiver of the hearing requirement, and advising the parties that the Board will wait for the filing of the Agency's response before proceeding with the matter, was adopted in #92-217, General Chemical Corporation, by a vote of 6-0. (BF)

Agency motion that the Board adopt the Proposal and Interpretation as agreed between the Illinois Environmental Regulatory Group and the Agency, will be taken with the case-in-chief, and the Chicago Lung Association and the Illinois Chapter of the Sierra Club's motion for waiver of the pre-filing deadline was denied in R92-21, Amendments to the New Source Review Rules, by a vote of 5-1. B. Forcade dissented. (GTG)

These cases were discussed and held to February 25, 1993 for further discussion or possible decision: #90-146, Village of Matteson; AS 91-6, Dart Container Corporation; 91-30, Susan Curtis & Marcy Diesing; 91-183, Thomas & Barbara Sneed; 92-156, County

Board of Whiteside; 92-173, Illico Independent Oil Company; 92-174, -177, Alice Zeman.

In Amended Petitions these actions were taken by a vote of 6-0: ##92-134, Lone Star Industries, accepted for hearing, **Order by B. Forcade**; 92-204, Bill Kibler Development Corporation, accepted for hearing, **Order by J. Theodore Meyer**.

In new cases these actions were taken by a vote of 6-0: ##92-178, John Zarlenga and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClaren, Cove Development Company, Thomas O'Brien and Gary Laken, accepted for hearing, Respondents' motion for leave to file its motion to strike or dismiss instanter was granted, Complainants' motion for extension of time to file a response to Respondents' motion to dismiss was granted until January 27, 1993, Complainants' motion for waiver from recycled paper requirement was granted, Respondents' motion to strike or dismiss the Complainants' as it relates to Partnership Concepts, Cove Development Company, and Thomas O'Brien was granted, Bloomingdale Partners were deleted from the caption since they were never named as a Respondent in Complainants' initial complaint or amended complaint, Respondents' motion to dismiss or strike the Complainants' complaint in its entirety was denied, **Order by J. Anderson**; 93-2, Jay Aguilar v. Venus Laboratories, Inc., held for **Duplicitous/Frivolous Determination**; 93-13, Village of Forrester v. EPA, held for an Agency Recommendation; 93-14, Acme Packaging Company v. EPA, accepted for hearing and Agency motion for extension of time to file the Record was granted until April 8, 1993, **Order by B. Forcade**; 93-15, Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine, held for **Duplicitous/Frivolous Determination**; 93-16, Beloit Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 93-17, Southern California Chemical Company, a division of CP Chemicals, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 93-18, City of Roodhouse v. EPA, accepted for hearing and consolidated with PCB 93-19, **Order by B. Forcade**; 93-19, City of Roodhouse v. EPA, accepted for hearing and consolidated with PCB 93-18, **Order by B. Forcade**; 93-20, Lawrence Brothers, Inc. v. EPA, Provisional Variance granted, **Order by J.C. Marlin**; 93-21, Laclede Steel Company, Inc. v. EPA, Provisional Variance granted, **Order by J.C. Marlin**; 93-22, Masonite Corporation v. EPA, Provisional Variance granted, **Order by J.C. Marlin**.

In new case #93-23, City of Chester v. EPA, these actions were taken by a vote of 5-1: Petitioner's motion for expedited hearing was construed by the Board as a motion for expedited decision, which was denied, and the case was held for an Agency Recommendation, J. Theodore Meyer dissented, **Order by J. Anderson**.

In new case R93-8, Petition of Uno-Ven to Amend Regulations Pertaining to Water Pollution, these actions were taken by a vote of 6-0: Accepted for hearing and Petitioner's motions for leave to waive the 200 signature requirement, and for leave to waive the

requirement to submit ten copies of supporting Technical Reports, were granted, **Order by B. Forcade.**

These Administrative Citations were accepted by the Board: ##93-4, County of Christian v. Peabody Coal Company; 93-5, EPA v. Julius Corsini; 93-6, Sangamon County v. Ruth Ann Sheppard and Steve Sheppard.

Minutes of the January 21, 1993 Board Meeting were approved by a vote of 6-0.

An Opinion and Order was adopted in #92-71, People of the State of Illinois v. The Valspar Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (BF)

An Order directing the parties to file their next status report on or before May 15, 1993, was adopted in R90-1(C), Toxic Air Contaminants List Reporting Requirements, by a vote of 6-0. (JCM)

All other matters not disposed of as listed were ordered held to February 25, 1993 for possible consideration.

I, Dorothy M. Gunn, hereby certify that the above Minutes were approved this 35th day of February, 1993, by a vote of 6-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 4, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

92-71 People of the State of Illinois v. The Valspar Corporation (BF) (Stipulation)

MOTIONS:

R90-1(C) Toxic Air Contaminants List - joint status report in response to a November 20, 1992 Hearing Officer Order and a December 17, 1992 Board Order (JCM)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 4, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

AS	91-3	Peoria Disposal Company, Order (JA)	
AC	92-37 (B)	Gerald B. Miller (BF)	
*	92-120	Amerock Corporation (JTM) (due)	
*	92-123	Chemrex, Inc. (JA) (due)	
*	92-132	Leroy Brown & Sons (GTG) (due)	
*	92-157	Greenville Airport Authority (JCM) (due)	
	92-185	People of the State of Illinois v. Maple Park Oil and Robert C. Nelson (JCM) (Stipulation)	
	R92-3	Safe Drinking Water Act Update, USEPA Regulations (June 1, 1991 through December 31, 1991), Proposal for Public Comment, Proposed Opinion and Order (JA)	
	R92-13	UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Adopted Rule, Final Order, Opinion and Order (JA)	
	R93-5	UST Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Proposed Rule, Dismissal Order (JA)	

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

92-87 Village of Atkinson_____

92-88 James Laurenzana_____

MOTIONS:

AC 91-55 Vernon Abert - Complainant's motion for
reconsideration of December 17, 1992 Board Order
(1/21) (JCM)_____

AC 92-76 Duane Arnold - Respondent's motion to consolidate
92-80 (2/2) (JCM)_____

AC 92-77 McCabe Packing Company - Stipulation Agreement
(2/1) (See also December 17, 1992 Default Order)
(JCM)_____

AS 90-5 R. Lavin & Sons - Agency status report in response
to November 19, 1992 Board Order (2/1),
Petitioner's status report in response to November
19, 1992 Board Order (2/1) (RCF)

AS 91-8 Reynolds Metals Company - status report in response
to October 10, 1992 Board Order (1/28) (JCM)

AS 92-6 C.J. Goodall Tire - Agency motion for leave to file
reply to Petitioner's answer to Agency response
(1/11), Petitioner's motion to strike or in the
alternative to file reply (1/20), Agency response
in opposition to Petitioner's motion to strike
(1/29) (GTG)

AS 92-14 Quantum Chemical - Agency motion to extend time to
file Agency response (1/29) (RCF)

85-140 Citizens Utilities - Petitioner's motion for
rehearing (11/18) (MN)

MOTIONS: (Cont'd)

- 89-30 Olin Corporation - Agency status report in response to December 17, 1992 Board Order and motion for dismissal (1/15), Petitioner's objection to Agency motion for dismissal and motion to vacate closure plan approval and for remand of consideration of pending permit modification request or other relief (1/19) (JCM)
-
- 90-24 Rock-Ola Manufacturing - Petitioner's status report in response to December 17, 1992 Board Order (2/1) (JA)
-
- 90-31 R. Lavin & Sons - Agency status report in response to September 17, 1992 Board Order (2/1), Petitioner's status report in response to September 17, 1992 Board Order (2/1) (RCF)
-
- 90-164 Riverside Laboratories - Petitioner's status report in response to an August 13, 1992 Board Order and motion for continuance of stay (2/1), Agency status report in response to an August 13, 1992 Board Order (2/3) (JCM)
-
- 90-165 Riverside Laboratories - Petitioner's status report in response to an August 13, 1992 Board Order and motion for continuance of stay (2/1), Agency status report in response to an August 13, 1992 Board Order (2/3) (JCM)
-
- 90-187 Herman W. Prescott - Complainant's motion for reconsideration of December 17, 1992 Board Order (1/15), Respondent's response to motion for reconsideration and brief in support of response to motion for reconsideration (1/29) (RCF)
-
- 90-214 Quantum Chemical - status report Order (JA)
-
- 90-215 Spraying Systems - joint status report in response to December 17, 1992 Board Order (1/19) (JA)
-

MOTIONS: (Cont'd)

- 91-53 Enamelers & Japanners - Complainant's motion for leave to file second amended complaint (12/28) (JTM)
-
- 91-84 Indian Refining - Petitioner's status report in response to December 3, 1992 Board Order (2/1), Agency status report in response to December 3, 1992 Board Order (2/3) (RCF)
-
- 91-139 R. Lavin & Sons - Agency status report in response to September 17, 1992 Board Order (2/1), Petitioner's status report in response to September 17, 1992 Board Order (2/1) (RCF)
-
- 91-161 Riverside Laboratories - Petitioner's status report in response to an August 13, 1992 Board Order and motion for continuance of stay (2/1), Agency status report in response to an August 13, 1992 Board Order (2/3) (JCM)
-
- 91-241 Safety-Kleen Corporation - status report in response to December 17, 1992 Board Order (1/28) (JCM)
-
- 92-10 Kelley-Williamson Company - agreed motion for dismissal (1/25) (BF)
-
- 92-26 Dale & Deborah Dettlaff - Complainants' motion to supplement the record (2/1) (BF)
-
- 92-33 Erich Mandel - Respondent's motion for leave to file counterclaim (1/26) (MN)
-
- 92-68 Chem-Plate Industries - Complainant's motion to stay Final Order (1/29) (JA)
-
- 92-80 Lake County Forest Preserve - motion to quash subpoena (12/9), Respondents' motion for discovery sanctions (12/15) (Note: both motions referred to the Board by the hearing officer for disposition) (JTM)
-

MOTIONS: (Cont'd)

- 92-81 James Lynch - Agency motion for reconsideration of November 19, 1992 Opinion and Order (12/24) (JTM)
-
- 92-90 Robertson-Ceco Corporation - Petitioner's status report in response to December 17, 1992 Board Order (2/1), Agency status report in response to December 17, 1992 Board Order (2/3) (GTG)
-
- 92-111 Russell Bacon - Agency motion for reconsideration of December 17, 1992 Board Order (1/22), Petitioner's response to Agency motion for reconsideration (2/3) (JA)
-
- 92-118 Ideal Heating Company - Petitioner's motion for summary judgment (12/4), Agency motion for leave to file instanter its response to Petitioner's motion for summary judgment and Counter-motion for summary judgment (1/7), Opposition of Petitioner to Agency motion for leave to file instanter (1/13), Agency's response to Petitioner's opposition to Agency's motion for leave to file instanter (1/19) (JTM)
-
- 92-156 Citizens Against Regional Landfill - Petitioners' motion for review of hearing examiner rulings pertaining to discovery and hearing record (1/13), Memorandum of Respondent Waste Management of Illinois in opposition to Petitioner's motion for review of hearing examiner rulings pertaining to discovery and hearing record (1/22), Petitioners' motion for leave to file reply to Respondent's response to Petitioners' motion for review of hearing examiner rulings pertaining to discovery and hearing record (1/27) (BF)
-
- 92-180 We-Shred-It - Board Order (JTM)
-
- 92-182 Spectrulite Consortium - Petitioner's withdrawal of petition (1/25) (JA)
-
- 92-210 Estate of Larry Junkin - Agency motion to file Record Instanter (2/1) (JTM)
-

MOTIONS: (Cont'd)

- 92-215 Douglas & Nancy Locke - joint motion for extension of time to file answer to complaint (1/29) (RCF)
-
- 92-217 General Chemical Corporation - Agency motion to reconsider January 7, 1993 Board Order (1/22), Agency motion to extend time to file response (1/29) (BF)
-
- R92-21 Amendments to the New Source Review Rules - Agency motion that the Board adopt Proposal and Interpretation as agreed between IERG and the Agency (1/29), motion for waiver of pre-filing deadline submitted by the Chicago Long Association and the Illinois Chapter of the Sierra Club (1/27) (GTG)
-

DISCUSSIONS:

- 90-146 Village of Matteson (BF) _____
- AS 91-6 Dart Container Corporation (JCM) _____
- 91-30 Susan Curtis & Marcy Diesing (JCM) _____
- 91-183 Thomas & Barbara Sneed (JTM) _____
- * 92-156 County Board of Whiteside (BF) (due 2/25) _____
- * 92-173 Illico Independent Oil Company (JTM) (due 2/25) _____
-
- * 92-174) Alice Zeman (JA) (due 2/25) _____
92-177)
-

AMENDED PETITIONS:

- 92-134 Lone Star Industries (filed 1/29) (BF)
-
- 92-204 Bill Kibler Development Corp. (filed 1/27) (JTM)
-

NEW CASES:

- 92-178 John Zarlenga and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClairien, Cove Development Company, Thomas O'Brien and Gary Lakin (See also Respondents' motion for leave to file motion to strike or dismiss complaint Instanter 12/11, Complainants' response to motion to dismiss 12/21, Complainants' motion for waiver from form of document requirement and motion for extension of time to respond to Respondents' motion to strike or dismiss complaint 1/20, Complainants' response to Respondents' motion to dismiss or strike complaint 1/27) (JA)
-
- 93-2 Jay Aguilar v. Venus Laboratories, Inc. (See also Respondent's motion to dismiss or stay (1/19) (BF)
-
- 93-13 Village of Forreton v. EPA (JCM)
-
- 93-14 Acme Packaging Company v. EPA (See also Agency motion to extend time to file Agency Recommendation filed 2/3) (BF)
-
- 93-15 Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine (MN)
-
- 93-16 Beloit Corporation v. EPA
-
- 93-17 Southern California Chemical Company, a division of CP Chemicals, Inc. v. EPA
-
- 93-18 City of Roodhouse v. EPA (Consolidated with PCB 93-19) (JCM)
-
- 93-19 City of Roodhouse v. EPA (Consolidated with PCB 93-18) (JCM)
-
- 93-20 Lawrence Brothers, Inc. v. EPA (Provisional Variance) (JCM)
-

NEW CASES: (Cont'd)

- 93-21 Laclede Steel Company, Inc. v. EPA (Provisional Variance) (JCM) _____
- 93-22 Masonite Corporation v. EPA (Provisional Variance) (JCM) _____
- 93-23 City of Chester v. EPA (See also Petitioner's motion for expedited hearing filed 2/3) _____
- R93-8 Petition of Uno-Ven to Amend Regulations Pertaining to Water Pollution (See also Petitioner's motion for leave to waive requirement to submit 200 signatures filed 1/27 and Petitioner's motion for leave to waive requirement to submit ten copies of supporting Technical Reports filed 1/28) (BF) _____
-

NEW AC CASES:

- 93-4 County of Christian v. Peabody Coal Company _____
- 93-5 EPA v. Julius Corsini _____
- 93-6 Sangamon County v. Ruth Ann Sheppard and Steve Sheppard _____
-

MINUTES:

January 21, 1993 _____