

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
JULY 1, 1993 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #AS 92-10, Southern Illinois Power Cooperative, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #92-26, Dale & Deborah Dettlaff, by a vote of 7-0. J. Theodore Meyer concurred. (BF)

An Opinion and Order was adopted in #AC 92-50 (Dockets A & B), Lincoln/Logan Landfill, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #AC 92-79 (Dockets A & B), Lee Hsueh, by a vote of 7-0. J. Anderson concurred. (BF)

An Opinion and Order was adopted in #93-11, Material Recovery Corporation, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #93-51, Village of Sauget, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in ##93-52, -54, Village of Robbins, by a vote of 6-1. B. Forcade dissented and C.A. Manning concurred. (GTG)

An Opinion and Order was adopted in #93-89, People of the State of Illinois v. Richard O. Schulz Company, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-98, People of the State of Illinois v. 3216 Garage Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

In R93-6, UIC Update, USEPA Regulations (June 1, 1992 through December 31, 1992), an Extension of Time Order was adopted by a vote of 7-0. (JA)

A Default Order was adopted in #AC 93-7, William Buckles, Jr., by a vote of 7-0. (MN)

An Order denying Respondent's Motion to Stay the Board's April 8, 1993 Order, was adopted in #AC 91-45 (Dockets A & B), Rochelle Disposal Service, by a vote of 7-0. (CAM)

An Order denying Respondent's Motion to Stay the Board's May 20, 1993 Board Order, was adopted in #AC 92-26 (Docket B), Rochelle Disposal Service, by a vote of 7-0. (GTG)

Respondent's Motion for Reconsideration of a May 20, 1993 Default Order was denied in #AC 93-12, Earl Phillips, by a vote of 7-0. (CAM)

An Order directing the Petitioner to file another status report to be received by the Board no later than August 3, 1993, was adopted in #AS 91-8, Petition of Reynolds Metals Company, by a vote of 7-0. (JA)

An Order continuing the stay of the proceedings through December 31, 1993, and directing the Petitioner to submit a status report to the Board no later than September 30, 1993, that clearly delineates the further action it intends in the proceedings in light of its draft Part B permit, the general nature of any unresolved issues in light of the Agency's actions, and the dates by which the Petitioner intends to pursue those further actions, was adopted in #AS 91-10, Petition of Cabot Corporation, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's Motion for Entry of a Final Order in #AS 92-7, Petition of Illinois Power Company (Vermilion Power Station), was granted subject to the Board's time and resource constraints. (BF)

An Order directing the Respondent to update the Board on the status of the Bankruptcy proceeding by filing a status report on or before July 30, 1993 and to file subsequent status reports every six months thereafter, was adopted in ##89-87, -44, Moline Corporation, by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal was granted in #90-196, Heico Incorporated, by a vote of 7-0. (CAM)

An Order directing the parties to file an additional status report to be received at the Board offices not later than 4:30 on Monday, August 2, 1993, was adopted in #91-162, Minnesota Mining & Manufacturing, by a vote of 7-0. (BF)

The Board, on its own motion, ordered the Agency to file the Record prior to July 14, 1993 in ##91-175, -258, 92-150, 93-33, Ball Corporation, by a vote of 7-0. (BF)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties request for relief from hearing, and advising the parties that the Board will reserve ruling on the request until after the statutory 21 day notice has passed, was adopted in #91-192, Prairie Material Sales, by a vote of 7-0. (GTG)

An Order accepting Petitioner's status report and directing the Petitioner and the Agency to file separate status reports to be received by the Board no later than September 1, 1993, was adopted in #91-257, Commonwealth Edison Company, by a vote of 7-0. (MN)

An Order granting Petitioner's Motion for Stay until September 24, 1993, and instructing the parties to file additional status reports to be received by the Board on or before September 17, 1993, was adopted in #92-165, Reichhold Chemicals, by a vote of 7-0. (BF)

Board Member J. Theodore Meyer presented a draft Order in #92-200, Ron's Interstate Sunoco. The Order failed to carry by a vote of 1-6, with J. Theodore Meyer for it, and J. Anderson, R.C. Flemal, B. Forcade, G. Tanner Girard, C.A. Manning, and M. Nardulli against it. The matter will be reassigned to another Board Member.

Petitioner's motion for reconsideration was granted, and upon reconsideration, the Board affirmed its April 22, 1993 Board Order in #92-202, Veach Oil Company, by a vote of 7-0. (GTG)

Petitioner's Motion for an Extension of Time to file an Amended Petition was granted until July 19, 1993, in #93-72, Atlanta Meadows, by a vote of 7-0. (BF)

An Order granting Petitioner's Motion for Leave to Withdraw as Counsel, denying Petitioner's Motion to Continue, and granting the Agency's Motion to file the Record Instanter, was adopted in #93-83, Finks & Austman, by a vote of 7-0. (JTM)

An Order denying Respondent's Motion to Dismiss, and denying Complainant's Motion to Strike Respondent's Affirmative Defense, was adopted in #93-87, South Holland Metal Finishing, by a vote of 7-0. (BF)

An Order denying the Agency's Motion for Partial Summary Judgment, and granting the Agency's Motion to file the Record Instanter, was adopted in #93-100, Omni Products, by a vote of 7-0. (RCF)

An Order granting the Agency's Motion to file the Record Instanter, was adopted in #93-104, Griffin Service, by a vote of 7-0. (BF)

An Order granting the Agency's Motion to file the Record Instanter, was adopted in #93-105, Divane Brothers Electric Company, by a vote of 7-0. (RCF)

These cases were discussed and ordered held to July 22, 1993 for further discussion or possible decision: ##86-4, City of Morris CSO; AS 91-6, Dart Container; AC 92-26 (B), City of Rochelle; AC 92-62 (B), Bill Hammond; 92-203, Chuck & Dan's Auto Service.

This regulatory matter was discussed and held to July 22, 1993 for further discussion or possible decision: R93-9, Omnibus Cleanup of the VOM RACT Rules.

In new cases these actions were taken by a vote of 7-0: ##93-116, People of the State of Illinois v. H.P. Smith, Inc., Clerk of the Board directed to cause publication of the required newspaper

notice of the parties' request for relief from hearing, and parties advised that the Board will reserve ruling on the request until after the statutory 21 day notice has passed, **Order by C.A. Manning; 93-117, People of the State of Illinois v. T.J. Harkins Basic Commodity Brokers, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and parties advised that the Board will reserve ruling on the request until after the statutory 21 day notice has passed, Order by C.A. Manning; 93-118, People of the State of Illinois v. Marsco Manufacturing Company, Ordered held to July 22, 1993 for further consideration; 93-119, People of the State of Illinois v. Treasure Chest Advertising Company, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and parties advised that the Board will reserve ruling on the request until after the statutory 21 day notice has passed, Order by C.A. Manning; 93-120, People of the State of Illinois v. Chicago Industrial Waste Haulers, Inc., Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and parties advised that the Board will reserve ruling on the request until after the statutory 21 day notice has passed, Order by C.A. Manning; 93-121, Gunite Corporation v. EPA, accepted for hearing, Order by G. Tanner Girard; 93-122, EMRO Marketing Company v. EPA, accepted for hearing Order by J. Anderson; 93-123, Earl Luster Trust v. EPA, accepted for hearing, Order by R.C. Flemal; 93-124, Tolles Realty Company v. EPA, accepted for hearing, Order by B. Forcade; 93-125, Clark Oil & Reining Corporation v. EPA, Provisional Variance granted, Order by C.A. Manning; 93-126, People of the State of Illinois v. Mechanical Plating Company, hearing mandatory; R93-13, Petition of General Motors Corporation to Amend 35 Ill. Adm. Code 303.322 (Site-Specific Regulation for Fluoride), accepted for hearing and Petitioner's Motion to Waive the 200 signature requirement was granted, Order by C.A. Manning.**

These new Administrative Citations were filed with the Board: ##93-21, EPA v. City of Herrin; 93-22, EPA v. Saline County landfill, Inc., David L. Fitzpatrick and John O. Fitzpatrick; 93-23, Sangamon County v. Robert Frohwitter, Rita Frohwitter and Jim Withers; 93-24, DuPage County v. E & E Hauling.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #93-19, Laidlaw Waste Systems, Inc. and Environmental Reclamation, Inc.

A Provisional Variance was granted in new case #93-127, DeKalb Sanitary District v. EPA, by a vote of 7-0. (CAM)

Minutes of the June 17, 1993 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to July 22, 1993 for possible consideration.

I, Dorothy M. Gunn, hereby certify that the above Minutes were approved this 22<sup>nd</sup> day of July, 1993, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
JULY 1, 1993 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

AS	92-10	Southern Illinois Power Cooperative (BF)	
	92-26	Dale & Deborah Dettlaff (BF)	
AC	92-50 (A & B)	Lincoln/Logan Landfill (JTM)	
AC	92-79 (A & B)	Lee Hsueh (BF)	
*	93-11	Material Recovery Corporation (GTG) (due)	
*	93-51	Village of Sauget (JTM) (due)	
*	93-52) 93-54)	Village of Robbins (GTG) (due)	
	93-89	People of the State of Illinois v. Richard O. Schulz Company (CAM) (Stipulation)	
	93-98	People of the State of Illinois v. 3216 Garage Corporation (CAM) (Stipulation)	
	R93-1	Safe Drinking Water Act Update USEPA Regulations (July 1, 1992 through December 31, 1992), Phase V Amendments, Extension of Time Order (JA)	

\* INDICATES VARIANCE OR PERMIT APPEAL

**DECISIONS:** (Cont'd)

R93-6 UIC Update, USEPA Regulations (June 1, 1992 through December 31, 1992), Extension of Time Order (JA)

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**AC DECISIONS:**

93-7 William Buckles, Jr. (MN)

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**MOTIONS:**

AC 91-45 Rochelle Disposal Service - Motion for Stay of April 8, 1993 Board Order (6/18) (CAM)

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AC 92-26 Rochelle Disposal Service - Motion for Stay of May 20, 1993 Board Order (6/18) (GTG)

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AC 93-12 Earle Phillips - Respondent Earle Phillips Motion for Reconsideration of May 20, 1993 Default Order (See letter dated June 15, 1993), Complainant's Response to Motion for Reconsideration (6/25)

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AS 91-8 Reynolds Metals Company - Petitioner's status report in response to May 5, 1993 Board Order (6/29) (JA)

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AS 91-10 Cabot Corporation - Petitioner's status report in response to January 21, 1993 Board Order (6/29) (JA)

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AS 92-7 Illinois Power Company - Petitioner's Motion for Entry of a Final Order (6/25) (BF)

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89-87) Moline Corporation - Board Order (BF)  
89-44)

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90-196 Heico Incorporated - Petitioner's motion for voluntary dismissal (6/24) (CAM)

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**MOTIONS:** (Cont'd)

- 91-162 Minnesota Mining & Manufacturing - joint status report in response to April 22, 1993 Board Order (6/18) (BF) \_\_\_\_\_
- 91-175) Ball Corporation - Board Order (BF)  
91-258)  
92-150)  
93-33)
- 91-192 Prairie Material Sales - agreed motion to request relief from hearing requirement (6/17) (GTG) \_\_\_\_\_
- 91-257 Commonwealth Edison Company - Petitioner's status report in response to April 22, 1993 Board Order (6/25) (MN) \_\_\_\_\_
- 92-164 Berniece & Darwin Kershaw - Respondents' Motion for Reconsideration of April 8, 1993 Board Order (5/12), Respondents' Memorandum in Opposition to Complainant's Affidavit of Total Cost and Fees (5/13), Complainant's Motion to Disqualify (5/24), Respondents' Memorandum in Opposition to Complainant's Motion to Disqualify (6/8), Complainant's Reply to Respondents' Memorandum in Opposition to Complainant's Motion to Disqualify (6/25) (GTG) \_\_\_\_\_
- 92-165 Reichhold Chemicals - Petitioner's status report in response to April 22, 1993 Board Order and Motion to Extend Stay (6/23) (BF) \_\_\_\_\_
- 92-200 Ron's Interstate Sunoco - Petitioner's motion in Opposition of Motion for Default and Request for Rehearing Date (6/29) (JTM) \_\_\_\_\_
- 92-202 Veach Oil Company - Petitioner's Motion for Reconsideration of April 22, 1993 Board Order (5/20), Agency response to Petitioner's Motion for Reconsideration (6/3) (GTG) \_\_\_\_\_



**MOTIONS: (Cont'd)**

- 93-10     Pekin Metro Landfill - Agency Motion for Summary Judgment (6/1), Petitioner's Motion for Leave to file Instanter Motion for Summary Judgment and Response in Opposition to Agency's Motion for Summary Judgment and Petitioner's Brief in support of its Motion for Summary Judgment and in Opposition to Agency's Motion for Summary Judgment (6/10), Agency Motion for Leave to file Instanter Response to Petitioner's Motion for Summary Judgment (6/23) (JA)
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- 93-72     Atlanta Meadows - Petitioner's Motion for Extension of Time to file Amended Petition (6/17) (BF)
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- 93-83     Finks & Austman - Petitioners' Motion for Leave to Withdraw as Counsel (6/17), Petitioner's Motion to Continue (6/17), Agency Motion to file Record Instanter (6/23) (JTM)
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- 93-87     South Holland Metal Finishing - Respondent's Motion to Dismiss (6/18), Complainant's Motion to Strike Respondent's Affirmative Defense and Response to Respondent's Motion to Dismiss (6/25) (BF)
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- 93-100    Omni Products - Agency's Motion for Partial Summary Judgment and Memorandum of Law in support of Agency's Motion for Partial Summary Judgment (6/21), Agency Motion to file Record Instanter (6/21) (RCF)
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- 93-104    Griffin Service - Agency Motion to file Record Instanter (6/28) (BF)
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- 93-105    Divane Brothers Electric Company - Agency Motion to file Record Instanter (6/21) (RCF)
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- 93-107    J.J.R.S. Investments - Agency Motion for Summary Judgment and Memorandum of Law in support of Motion for Summary Judgment (6/23) (GTG)
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**DISCUSSIONS:**

86-4 City of Morris CSO (RCF) \_\_\_\_\_

AS 91-6 Dart Container (CAM) \_\_\_\_\_

AC 92-26 City of Rochelle (GTG) \_\_\_\_\_  
(B)

AC 92-62 Bill Hammond (GTG) \_\_\_\_\_  
(B)

\* 92-203 Chuck & Dan's Auto Service (JTM) (open waiver)  
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**REGULATORY DISCUSSIONS:**

R93-9 Omnibus Cleanup of the VOM RACT Rules (BF)  
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**NEW CASES:**

93-116 People of the State of Illinois v. H.P. Smith, Inc.  
(See Agreed Motiooon to Request Relief from Hearing  
Requirement filed 6/17) (CAM)  
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93-117 People of the State of Illinois v. T.J. Harkins  
Basic Commodity Brokers, Inc. (See Agreed Motion to  
Request Relief from Hearing Requirement filed  
6/17) (CAM) \_\_\_\_\_

93-118 People of the State of Illinois v. Marsco  
Manufacturing Company (See Agreed Motion to Request  
Relief from Hearing Requirement filed 6/17) (CAM)  
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93-119 People of the State of Illinois v. Treasure Chest  
Advertising Company (See Agreed Motion to Request  
Relief from Hearing Requirement filed 6/17) (CAM)  
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93-120 People of the State of Illinois v. Chicago  
Industrial Waste Haulers, Inc. (See Agreed Motion  
to Request Relief from Hearing Requirement filed  
6/17) (CAM) \_\_\_\_\_

**NEW CASES:** (Cont'd)

- 93-121 Gunitite Corporation v. EPA (GTG)  
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- 93-122 EMRO Marketing Company v. EPA (JA)  
\_\_\_\_\_
- 93-123 Earl Luster Trust v. EPA (RCF)  
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- 93-124 Tolles Realty Company v. EPA (BF)  
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- 93-125 Clark Oil & Refining Corporation v. EPA  
(Provisional Variance) (CAM)  
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- 93-126 People of the State of Illinois v. Mechanical  
Plating Company \_\_\_\_\_
- R93-13 Petition of General Motors Corporation to Amend 35  
Ill. Adm. Code 303.322 (Site-Specific Regulation  
for Fluoride) (See also Petitioner's motion to waive  
requirement to submit 200 signatures filed  
6/23) (CAM) \_\_\_\_\_

**NEW AC CASES:**

- 93-21 EPA v. City of Herrin \_\_\_\_\_
- 93-22 EPA v. Saline County Landfill, Inc., David L.  
Fitzpatrick and John O. Fitzpatrick  
\_\_\_\_\_
- 93-23 Sangamon County v. Robert Frohwitter, Rita  
Frohwitter, and Jim Withers  
\_\_\_\_\_
- 93-24 DuPage County v. E & E Hauling \_\_\_\_\_

**AC APPEALS:**

- 93-19 Laidlaw Waste Systems, Inc. & Environmental  
Reclamation, Inc. \_\_\_\_\_

AMENDED ADJUSTED STANDARDS:

91-12 Illinois American Water Company (filed 6/1) (See also Petitioner's Motion for Partial Summary Judgment and Memorandum of Law in support of its Motion for Partial Summary Judgment filed 6/1; Agency's Response to Petitioner's Amended Petition and Motion to Dismiss filed 6/23) (RCF)

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93-1 Quantum Chemical Corporation (filed 6/1) (CAM)

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MINUTES:

June 17, 1993

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