

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MAY 5, 1993 CHICAGO, ILLINOIS

After calling the meeting to order, newly appointed Chairman of the Board, Claire Manning, introduced herself to the audience, and announced the reappointment of Board Member, B. Forcade. All Board Members were present save M. Nardulli who is ill. Chairman Manning abstained from voting on all matters adopted at this meeting.

An Opinion and Order was adopted in #93-8, Princeton/Beck Oil Company, by a vote of 5-0. (JTM)

In R92-3, Safe Drinking Water Update, Phase IIB and Lead and Copper Rules (June 1, 1991 through December 31, 1991), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (JA)

In R93-1, Safe Drinking Water Act Update, Phase V Rules (July 1, 1992 through December 31, 1992), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 5-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##93-10, Daniel Eaton; 93-11, Charles & Mary Jones.

An Order denying Respondents' William and Ann Eddington's motion for reconsideration of a March 11, 1993 Default Order, was adopted in #AC 93-2, Mary Robson et al., by a vote of 5-0. (JA)

An Order directing the parties to submit status reports to be received by the Board on or before July 27, 1993, was adopted in #AS 90-5, R. Lavin & Sons, by a vote of 4-0. B. Forcade abstained. (RCF)

An Order directing the Petitioner to file another status report with the Board on or before June 28, 1993, was adopted in #AS 91-8, Reynolds Metals Company, by a vote of 5-0. (JA)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from the hearing requirement, and advising the parties that the Board will reserve ruling on its request until after the statutory 21 day notice has passed, was adopted in #83-150, Archer Daniels Midland Company, by a vote of 5-0. (GTG)

Petitioner's motion to dismiss was granted in #89-171, Pekin Energy Company, by a vote of 5-0. (BF)

An Order granting the Agency's motion to file its status report instanter, and directing the parties to file an additional status report by July 15, 1993, was adopted in #90-27, Shell Oil Company, by a vote of 5-0. (GTG)

An Order directing the parties to submit status reports to be received by the Board on or before July 27, 1993, was adopted in #90-31, R. Lavin & Sons, by a vote of 4-0. B. Forcade abstained. (RCF)

An Order granting Petitioner's motion to continue, advising the Petitioner that the Board will reserve ruling on its motion for reconsideration, and directing the parties to file status reports to be received by the Board no later than June 4, 1993, was adopted in #90-135, The Grigoleit Company, by a vote of 5-0. (JA)

An Order directing the parties to submit status reports to be received by the Board on or before July 27, 1993, was adopted in #91-139, R. Lavin & Sons, by a vote of 4-0. B. Forcade abstained. (RCF)

An Order granting the Petitioner and the Agency's motions for consolidation, staying the proceedings until April 1, 1994, and directing the parties to file an updated status report on or before October 29, 1993, was adopted in ##90-164, - 91-161, Riverside Laboratories, by a vote of 5-0. (BF)

An Order staying the proceedings until April 1, 1994, and directing the parties to file an updated status report on or before October 29, 1993, was adopted in #90-165, Riverside Laboratories, by a vote of 5-0. (BF)

An Order granting Petitioner's motion to continue and directing the parties to file status reports to be received by the Board no later than June 4, 1993, was adopted in #92-23, The Grigoleit Company, by a vote of 5-0. (JA)

An Order directing the parties to file another status report with the Board on or before May 28, 1993, was adopted in #92-61, Ethyl Petroleum Additives, by a vote of 5-0. (JA)

An Order directing the Hearing Officer to schedule the matter for hearing by June 6, 1993, and to finish all hearings by August 11, 1993, or the proceeding will be subject to dismissal for want of prosecution, was adopted in #92-90, Robertson-Ceco Corporation, by a vote of 5-0. (GTG)

An Order granting the Agency's motion for an extension of time in which to file the Agency Record until December 30, 1993, and directing the parties to file a status report to be received by the Board on or before September 6, 1993, was adopted in #92-101, Shell Oil Company, by a vote of 5-0. (GTG)

An Order granting Petitioner's motion to continue and directing the parties to file status reports to be received by the Board no later than June 4, 1993, was adopted in #91-110, The Grigoleit Company, by a vote of 5-0. (JA)

Petitioner's motion to voluntarily dismiss was granted in #92-126, Safety-Kleen Corporation, by a vote of 5-0. (BF)

An Order directing the Agency to submit, by May 9, 1993, the two original color photographs of the excavation activities that were submitted to the Agency prior to its decision, and directing the Clerk of the Board to return the photographs, upon the Agency's request, when the appeal is finally resolved, was adopted in #92-152, State Bank of Whittington, by a vote of 5-0. (JA)

Petitioner's voluntary motion to dismiss was granted in #92-197, E & D Trucking, by a vote of 5-0. (GTG)

Petitioner's motion to clarify an April 23, 1993 Board Order was granted in #92-214, Legg and Sons Oil Company, by a vote of 5-0. (JTM)

An Order declining to consider the Village of Huntley, the Village of Lakewood and LEAC II's motion to reconsider a March 11, 1993 Board Order as the motion was filed late, was adopted in #93-11, Material Recovery Corporation, by a vote of 5-0. (GTG)

An Order directing the Hearing Officer to schedule the matter for hearing by June 6, 1993, and to finish all hearings by August 11, 1993, or the proceeding will be subject to dismissal, was adopted in #93-16, Beloit Corporation, by a vote of 5-0. (GTG)

An Order granting the G.J. Leasing Company's motion to supplement the record, and granting the Petitioner's motion to file its Amended Petition Instantly, was adopted in #93-51, Village of Sauget, by a vote of 5-0. (JTM)

These cases were discussed and ordered held to May 20, 1993 for further discussion or possible decision: ##AS 91-11, Illinois-American Water Company; AS 92-4, Detroit Diesel; AC 92-26, City of Rochelle; 92-127, City of Des Plaines; 92-134, Lone Star Industries; 92-145, Thomas J. Konkell; 92-152, State Bank of Whittington; 92-204, Bill Kibler Development Corporation; 93-13, Village of Forreston.

These regulatory matters were discussed and ordered held to May 20, 1993 for further discussion or possible decision: R91-20, Potentially Infectious Medical Waste; R93-4, RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992); R93-10, RCRA Subtitle D Landfill Amendments.

In new cases these actions were taken by a vote of 5-0: ##93-72, Atlanta Meadows, Ltd. and R.O.C. Properties, Inc., General Partner v. EPA, additional information requested, **Order by B. Forcade**; 93-75, Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc., ordered held to May 20, 1993 for possible consideration; 93-77, Highland Park School District #108

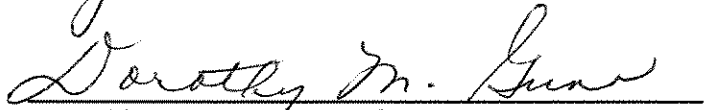
v. EPA, accepted for hearing, **Order by B. Forcade**; 93-78, Gauger Motor Sales & Service v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 93-79, Pace Suburban Bus Division of RTA (Harvey) v. EPA, accepted for hearing and proceedings stayed until August 31, 1993, **Order by G. Tanner Girard**; 93-80, Indian Prairie Community Unit School District #204 v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-81, Scott Air Force Base v. EPA, provisional variance granted, **Order by J. Anderson**; 93-82, Vulcan Materials Company (Joliet Quarry #340) v. EPA, provisional variance granted, **Order by J. Anderson**; R93-12, Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d), additional information requested from the Agency, the Attorney General and other interested persons, and the Clerk of the Board was directed to serve copies of the Order on all persons on the R91-30 notice list, **Order by R.C. Flemal**.

These Administrative Citations were received by the Board:
 ##93-15, County of Will v. CDT Landfill; 93-16, County of Will v. CDT Landfill.

Minutes of the April 22, 1993 Board Meeting were approved by a vote of 5-0. (Thereafter Board Member J. Anderson welcomed Chairman Claire Manning to the Board)

All other matters not disposed of as listed were ordered held to May 20, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 20th day of May, 1993, by a vote of 5-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 5, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
1:30 P.M.

DECISIONS:

- * 93-8 Princeton/Beck Oil Company (JTM) (due)
-
- R92-3 Safe Drinking Water Act Update, Phase IIB and Lead and Copper Rules (June 1, 1991 through December 31, 1991), Adopted Rule, Final Order, Opinion and Order (JA)
-
- R93-1 Safe Drinking Water Act Update, Phase V Rules (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order (JA)
-

AC DECISIONS:

- 93-10 Daniel Eaton
-
- 93-11 Charles & Mary Jones
-

MOTIONS:

- AC 92-78 Philip Pennington - Respondent's objection to costs (4/27) (RCF)
-
- AC 93-2 Mary Robson et al. - William and Ann Eddington's motion for reconsideration of March 11, 1993 Default Order (4/13), Complainant's response to motion for reconsideration (4/26) (JA)
-

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- AS 90-5 R. Lavin & Sons - Agency status report in response to February 4, 1993 Board Order (5/3), Petitioner's status report in response to February 4, 1993 Board Order (5/3) (RCF)
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- AS 91-8 Reynolds Metals - status report in response to February 4, 1993 Board Order (4/29) (JA)
-
- 83-150 Archer Daniels Midland - joint motion for modification of final Order (3/16), agreed motion for relief from hearing (4/29) (GTG)
-
- 85-140 Citizens Utilities - Petitioner's motion for rehearing (11/18), Agency response to Petitioner's motion for rehearing (5/3), Petitioner's motion for leave to file its reply instanter to the Agency's response to Petitioners' motion for rehearing (5/4) (JA)
-
- 89-171 Pekin Energy Company - Petitioner's motion to dismiss appeal (5/4) (BF)
-
- 90-27 Shell Oil Company - Agency motion for leave to file its status report instanter in response to April 22, 1993 Board Order (5/4) (GTG)
-
- 90-31 R. Lavin & Sons - Agency status report in response to February 4, 1993 Board Order (5/3), Petitioner's status report in response to February 4, 1993 Board Order (5/3) (RCF)
-
- 90-135 The Grigoleit Company - joint status report in response to March 25, 1993 Board Order and motion to continue (5/3) (JA)
-
- 91-139 R. Lavin & Sons - Agency status report in response to February 4, 1993 Board Order (5/3), Petitioner's status report in response to February 4, 1993 Board Order (5/3) (RCF)
-

MOTIONS: (Cont'd)

- 91-161 Riverside Laboratories - Petitioner's motion for
90-164 consolidation (4/30), Agency motion for
consolidation (4/30) (BF)
-
- 91-161 Riverside Laboratories - Petitioner's status report
90-165 in response to February 25, 1993 Board Order and
90-164 motion for continuance of stay (4/30), Agency
status report in response to February 25, 1993
Board Order and motion for continuance of stay
(4/30) (BF)
-
- 92-23 The Grigoleit Company - Agency status report in
response to April 8, 1993 Board Order (5/3),
Petitioner's status report in response to April 8,
1993 Board Order and motion to continue (5/3) (JA)
-
- 92-61 Ethyl Petroleum Additives - joint status report in
response to april 8, 1993 Board Order (4/28) (JA)
-
- 92-90 Robertson-Ceco Corporation - Board Order (GTG)
-
- 92-101 Shell Oil Company - Agency status report and motion
to extend time to file the record (4/23) (GTG)
-
- 92-110 The Grigoleit Company - joint status report in
response to March 25, 1993 Board Order and motion
to continue (5/3) (JA)
-
- 92-126 Safety-Kleen Corporation - Petitioner's motion to
voluntarily dismiss (5/3) (BF)
-
- 92-152 State Bank of Whittington - Agency response to
March 11, 1993 Board Order (5/3) (JA)
-
- 92-156 County Board of Whiteside - Petitioners' motion to
stay the payment of the sanctions imposed upon
counsel for the Petitioners pending the outcome of
an appeal to the Illinois Court of Appeals (4/29)
(BF)
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MOTIONS: (Cont'd)

- 92-163 DJM Oil Company - joint status report in response to April 8, 1993 Board Order (4/26) (BF)
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- 92-197 E & D Trucking - Petitioner's voluntary motion to dismiss (4/23) (GTG)
-
- 92-214 Legg & Sons Oil Company - Petitioner's motion to clarify April 23, 1993 Board Order (5/3) (JTM)
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- 93-11 Material Recovery Corporation - Village of Huntley, Village of Lakewood, and LEAC II motion to reconsider March 11, 1993 Board Order (4/22), Petitioner's response to motion to reconsider (4/28), Respondent's motion for leave to file Affirmative Defense (4/30) (GTG)
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- 93-16 Beloit Corporation - Board Order (GTG)
-
- 93-51 Village of Sauget - G.J. Leasing Company's motion to supplement the record (4/23) (JTM)
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DISCUSSIONS:

- AS 91-11 Illinois-American Water Company (RCF)
-
- AS 92-4 Detroit Diesel (JA)
-
- AC 92-26 City of Rochelle (GTG)
-
- 92-127 City of Des Plaines (RCF)
-
- * 92-134 Lone Star Industries (BF) (due 5/20)
-
- 92-145 Thomas J. Konkell (GTG)
-
- * 92-152 State Bank of Whittington (JA) (due 5/20)
-

DISCUSSIONS: (Cont'd)

- * 92-204 Bill Kibler Development Corporation (JTM) (due 5/20)

- * 93-13 Village of Forresteron (BF) (due 5/20) _____

REGULATORY DISCUSSIONS:

- R91-20 Medical Wastes (RCF) _____
- R93-4 RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992) (JA)

- R93-10 RCRA Subtitle D Landfill Amendments (JA)

NEW CASES:

- 93-72 Atlanta Meadows, Ltd. and R.O.C. Properties, Inc., General Partner v. EPA (BF)

- 93-75 Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc. (See Respondents' motion for leave to file motion to dismiss Complaint as frivolous 5/4) (JTM)

- 93-77 Highland Park School District #108 v. EPA (BF)

- 93-78 Gauger Motor Sales & Service v. EPA (JTM)

- 93-79 Pace Suburban Bus Division of RTA (Harvey) v. EPA (GTG) _____
- 93-80 Indian Prairie Community Unit School District #204 v. EPA (MN) _____
- 93-81 Scott Air Force Base v. EPA (Provisional Variance) (JA) _____

NEW CASES: (Cont'd)

93-82 Vulcan Materials Company (Joliet Quarry #340) v.
EPA (Provisional Variance) (JA)

R93-12 Emergency Rule Amending the Stage II Gasoline Vapor
Recovery Rule in the Metro-East Area, 35 Ill. Adm.
Code 219.586(d) (RCF)

NEW AC CASES:

93-15 County of Will v. CDT Landfill_____

93-16 County of Will v. CDT Landfill_____

MINUTES:

April 22, 1993_____



STATE
OF
ILLINOIS

POLLUTION CONTROL BOARD

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CHICAGO, ILLINOIS

NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for May 6, 1993 has been rescheduled to May 5, 1993. This meeting will be held in Conference Room 9-040 and will begin at 1:30 p.m.

Claire A. Manning
CLAIRE A. MANNING
Chairman

Posted and circulated May 3, 1993