

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MAY 20, 1993 CHICAGO, ILLINOIS

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

An Opinion and Order was adopted in #AS 91-11, Illinois-American Water Company, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #91-53, People of the State of Illinois v. Enamellers and Japanners, Inc., by a vote of 5-1. J. Theodore Meyer dissented. (RCF)

An Opinion and Order was adopted in #AS 92-4, Detroit Diesel Corporation and the Engine Manufacturers Association, by a vote of 6-0. (JA)

An Order was adopted in #AC 92-26 (Dockets A & B), Rochelle Disposal Service, by a vote of 6-0. (GTG)

An Opinion and Order was adopted in #92-70, People of the State of Illinois v. Gas Tech, Inc., by a vote of 5-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #92-127, City of Des Plaines, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #92-134, Lone Star Industries, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #92-145, Thomas J. Konkel, by a vote of 6-0. (GTG)

An Opinion and Order was adopted in #92-204, Bill Kibler Development Corporation, by a vote of 6-0. (JTM)

An Opinion and Order was adopted in #93-13, Village of Forreston, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #93-64, People of the State of Illinois v. Chicago Sun-Times, Inc., by a vote of 6-0. (CAM)

In R91-20, Potentially Infectious Medical Waste, an Interim Order was adopted by a vote of 6-0. (RCF)

In R93-6, UIC Update, USEPA Regulations (July 1, 1992 through December 31, 1992), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 6-0. (JA)

In R93-10, RCRA Subtitle D Landfill Amendments, a Proposal for Public Comment, Proposed Opinion and Order by a vote of 6-0. (JA)

In R93-12, Emergency Rule Amending the Stage II Gasoline Vapor Recovery Rule in the Metro-East Area, 35 Ill. Adm. Code 219.586(d), an Adopted Rule, Emergency Rule, Order was adopted by a vote of 6-0. (RCF)

A Default Order was adopted in this Administrative Citation by a vot of 6-0: #93-12, Dave & Earl Phillips.

An Order staying the proceedings until June 14, 1993, and directing the Petitioner to file a status report on or before June 14, 1993, was adopted in #AS 88-2, Stepan Company, by a vote of 6-0. (CAM)

An Order 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 6-0. (BF)

By a vote of 6-0, the Board, on its own motion, modified its Order of May 5, 1993 to change the date of the stay until December 1, 1993 and directed the parties to file an updated status report on or before October 29, 1993, in #90-165, Riverside Laboratories. (BF)

An Order directing the parties to file an updated status report on or before June 15, 1993, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 6-0. (CAM)

An Order granting Petitioner's motion for leave to file its status report instanter, and directing the parties to file status reports to be received by the Board no later than June 4, 1993, was adopted in #91-157, The Grigoleit Company, by a vote of 6-0. (JA)

An Order directing the parties to file additional status reports to be received by the Board on or before August 20, 1993, which must include the expected date of resolution of the matter, was adopted in ##91-158, -179, Commonwealth Edison Company, by a vote of 6-0. (GTG)

An Order directing the parties to file additional status reports to be received by the Board on or before August 20, 1993, which must include the expected date of resolution of the matter, was adopted in ##91-178, -180, Commonwealth Edison Company, by a vote of 6-0. (GTG)

An Order directing the parties to file additional status reports to be received by the Board on or before August 20, 1993, which must include the expected date of resolution of the matter, was adopted in #91-199, Commonwealth Edison Company, by a vote of 6-0. (RCF)

Petitioner's motion for voluntary dismissal was granted in #92-72, Adams Electrical Cooperative, by a vote of 6-0. (CAM)

An Order directing the parties to file another status report with

the Board on or before August 20, 1993, was adopted in #92-99, A.B. Dick Company, by a vote of 5-0. B. Forcade abstained. (CAM)

An Order staying the proceedings until September 17, 1993, and directing the Petitioner to file a status report on or before September 17, 1993, which includes an estimated date for termination of the matter, was adopted in #92-105, Weyerhaeuser Company, by a vote of 6-0. (CAM)

An Order directing the Hearing Officer to schedule a hearing on or before June 4 and to complete the hearings by July 16, 1993, which schedule may be modified in the event that an additional waiver is received, and advising the parties that if an additional waiver is filed, status reports should be submitted to the Board by June 4, 1993, was adopted in #92-108, The OK Trucking Company, by a vote of 6-0. (BF)

An Order denying the Petitioner's motion to stay the payment of the sanctions imposed against the Petitioners' attorney pending the outcome of an appeal, and directing the Petitioners' attorney to pay the amount of sanctions as ordered to Waste Management of Illinois, Inc. within 14 days of the date of the Order, was adopted in #92-156, Citizens Against Regional Landfill, by a vote of 5-0. J. Theodore Meyer abstained. (BF)

An Order granting the Petitioner's motion to file its status report instanter and motion for stay until August 9, 1993, and directing the Petitioner to file a status report in the matter on or before August 9, 1993, was adopted in #92-205, Douglas Furniture of California, by a vote of 5-0. B. Forcade abstained. (JA)

An Order accepting the joint status report in response to an April 8, 1993 Board Order, and directing the parties to file an additional status report on or before August 20, 1993, was adopted in #92-209, A.B. Dick Company, by a vote of 5-0. B. Forcade abstained. (GTG)

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 its request until after the statutory 21 day notice period has passed, was adopted in #92-213, Atwood Industries, by a vote of 6-0. (CAM)

Respondent's motion for leave to file an affirmative defense was denied in #93-11, Material Recovery Corporation, by a vote of 6-0. (GTG)

An Order denying Respondent, G.J. Leasing Company's motion to dismiss was adopted in #93-51, Village of Sauget, by a vote of 6-0. (JTM)

An Order granting the Agency's motion to file the record instanter was adopted in ##93-60, -61, Industrial Salvage, by a vote of 6-0. (RCF)

An Order granting the Agency's motion to file the record instanter was adopted in #93-70, Joliet Park District, by a vote of 6-0. (JA)

An Order granting the Agency's motion to file the record instanter was adopted in #93-73, J & M Plating, by a vote of 6-0. (JA)

Petitioner's motion to dismiss was granted in #93-78, Gauger Motor Sales & Service, by a vote of 6-0. (JTM)

An Order directing the parties to file a status report on or before August 30, 1993, was adopted in R90-1(C), Toxic Air Contaminants List, Reporting Requirements, 35 Adm. Code 232, by a vote of 6-0. (CAM)

These cases were discussed and held to June 3, 1993 for further discussion or possible decision: ##92-152, State Bank of Whittington; 92-154, Shell Oil Company.

This regulatory matter was discussed and held to June 3, 1993 for further discussion or possible decision: R93-4, RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order.

In new case #93-75, Joseph Gutesha and Mildred Samardzija v. Johnson Concrete Company and Elmer Larson, Inc., these actions were taken by a vote of 5-0: Respondents' motion for leave to file a motion to dismiss the complaint as frivolous was granted, and the Board dismissed the proceeding because the complaint failed to state a cause of action and is thus legally deficient. R.C. Flemal abstained. (JTM)

In other new cases these actions were taken by a vote of 6-0: #93-83, Finks & Austman v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 93-84, Consolidation Coal Company v. EPA, accepted for hearing, **Order by B. Forcade**; 93-85, People of the State of Illinois v. Liquid Air Corporation, hearing mandatory; 93-86, People of the State of Illinois v. Middleby Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning**; 93-87, People of the State of Illinois v. South Holland Metal Finishing Company, Inc., hearing mandatory; 93-88, People of the State of Illinois v. Russell, Burdsall & Ward Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the

statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-89, People of the State of Illinois v. Richard O. Schulz Company, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-90, People of the State of Illinois v. United Parcel Service, Inc., Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order of by C.A. Manning;** 93-91, People of the State of Illinois v. Free-Flow Packaging Company, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-92, People of the State of Illinois v. Elkay Manufacturing Company, hearing mandatory; 93-93, People of the State of Illinois v. Dupli-Color Products Company, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-94, People of the State of Illinois v. Cooper Tools, hearing mandatory; 93-95, People of the State of Illinois v. City of Sandwich, Illinois, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-96, People of the State of Illinois v. Ashland Products, Inc., Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-97, People of the State of Illinois v. Adolph P. Raymond, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-98, People of the State of Illinois v. 3216 Garage Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board reserved ruling on the parties' request until after the statutory 21 day notice period has passed, **Order by C.A. Manning;** 93-99, LTV Steel Company (Hennepin Works) v. EPA, accepted for hearing, **Order by J. Anderson;** 93-100, Omni Products, Division of ZMC, Inc. v. EPA, accepted for hearing, **Order by R.C. Flemal;** 93-101, Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bolingbrook, **ordered held to June 3, 1993 Board Meeting for further consideration;** 93-102, Motorola v. EPA, provisional variance granted, **Order by C.A.**

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

Because a Petition for Review was received, this Administrative Citation will be set for hearing: #93-13, Arthur Hammel.

No action was taken in Amended Adjusted Standard #92-14, Quantum Chemical.

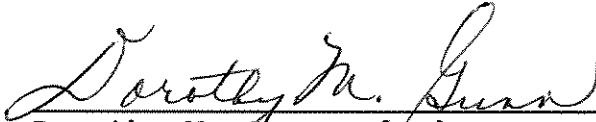
An Order directing the parties to file another status report with the Board on or before August 20, 1993 in the event the case has not been dismissed, was adopted in #90-196, Heico, Inc., by a vote of 6-0. (CAM)

An Order directing the parties to file their next status report on or before August 20, 1993, and in the event that the case has not been dismissed, advising the parties that an additional waiver must be supplied to the Board or the matter will be set for hearing, was adopted in #91-208, Ashland Chemical, Inc., by a vote of 6-0. (CAM)

Minutes of the May 5, 1993 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to June 3, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 3rd day of June, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 20, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

90-196 Heico, Inc. - Petitioner's status report in
response to February 25, 1993 Board Order and
motion for leave to file instanter (5/19)(CAM)

91-208 Ashland Chemical - status report Order (CAM)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 20, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

AS	91-11	Illinois-American Water Company (RCF)	
	91-53	People of the State of Illinois v. Enamelers and Japanners, Inc. (RCF) (Stipulation)	
AS	92-4	Detroit Diesel (JA)	
AC	92-26 (A & B)	City of Rochelle (GTG)	
	92-70	People of the State of Illinois v. Gas Tech, Inc. (CAM) (Stipulation)	
	92-127	City of Des Plaines (RCF)	
*	92-134	Lone Star Industries (BF) (due)	
	92-145	Thomas J. Konkel (GTG)	
*	92-204	Bill Kibler Development Corporation (JTM) (due)	
*	93-13	Village of Forreston (BF) (due)	
	93-64	People of the State of Illinois v. Chicago Sun Times, Inc. (CAM) (Stipulation)	

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R91-20 Potentially Infectious Medical Waste, Interim Order (RCF) _____
- R93-6 UIC Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order (JA) _____
- R93-10 RCRA Subtitle D Landfill Amendments, Proposal for Public Comment, Proposed Opinion and Order (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), Adopted Rule, Emergency Rule, Order (RCF) _____

AC DECISIONS:

- 93-12 Dave & Earl Phillips _____

MOTIONS:

- AC 92-37 Gerald B. Miller - Complainant's motion to (B) reconsider February 4, 1993 Board Order (3/12), Respondent's motion for stay of December 17, 1992 and February 4, 1993 Board Orders (3/15) (BF) _____
- AC 92-78 Philip Pennington - Respondent's objection to (B) costs (4/27) (RCF) _____
- AS 88-2 Stepan Company - Petitioner's motion to file status report instanter in response to March 25, 1993 Board Order (5/6) (CAM) _____
- 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) _____

MOTIONS: (Cont'd)

- 90-164) Riverside Laboratories - Board Order (BF)
91-161) _____
- 90-165 Riverside Laboratories - Board Order (BF)

- 90-182 Ronald & Susan Tex - Respondent's motion for leave
to file reply (5/14) (GTG)

- 91-94 Safety-Kleen Corporation - Petitioner's status
report in response to April 8, 1993 Board Order
(5/5) (CAM) _____
- 91-157 The Grigoleit Company - joint status report in
response to March 25, 1993 Board Order and motion
for leave to file instanter (5/11) (JA)

- 91-158) Commonwealth Edison Company - Petitioner's status
91-179) report in response to January 21, 1993 Board Order
(5/14) (GTG) _____
- 91-178) Commonwealth Edison Company - Petitioner's status
91-180) report in response to January 21, 1993 Board Order
(5/14) (GTG) _____
- 91-199 Commonwealth Edison Company - Petitioner's status
report in response to January 21, 1993 Board Order
(5/14) (RCF) _____
- 92-72 Adams Electrical Cooperative - Petitioner's motion
for voluntary dismissal (5/17) (CAM)

- 92-99 A.B. Dick Company - Board Order (CAM)

- 92-105 Weyerhaeuser Company - Petitioner's status report in
response to January 7, 1993 Board Order and motion
to continue Stay (5/11) (CAM)

- 92-108 The OK Trucking Company - Board Order (BF)

MOTIONS: (Cont'd)

- 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), Waste Management of Illinois' Memorandum in opposition to Petitioner's motion for stay of sanctions imposed upon counsel pending an appeal to the Illinois Court of Appeals (5/10) (BF)
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- 92-163 DJM Oil Company - joint status report in response to April 8, 1993 Board Order (4/26) (BF)
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- 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) (GTG)
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- 92-205 Douglas Furniture of California - motion for leave to file status report instanter in response to April 8, 1993 Board Order (5/13) (JA)
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- 92-209 A.B. Dick Company - joint status report in response to April 8, 1993 Board Order (5/17) (GTG)
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- 92-213 Atwood Industries - agreed motion to request relief from hearing requirement (5/10) (CAM)
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- 92-217 General Chemical Corporation - Petitioner's motion to reconsider (5/7) (BF)
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- 93-11 Material Recovery Corporation - Respondent's motion for leave to file Affirmative Defense (4/30) (GTG)
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- 93-51 St. Clair County - G.J. Leasing Company's motion to dismiss and motion for sanctions (5/7) (JTM)
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- 93-60) Industrial Salvage - Agency motion to file Record
93-61) Instanter (5/17) (RCF)
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MOTIONS: (Cont'd)

93-70 Joliet Park District - Agency motion to file Record Instanter (5/6), Agency motion for Summary Judgment and Memorandum of Law in support of motion for Summary Judgment (5/12)(JA)

93-73 J & M Plating - Agency motion to file Record Instanter (5/17)(JA)

93-78 Gauger Motor Sales & Service - Petitioner's motion to dismiss (5/7)(JTM)

R90-1 Toxic Air Contaminants List - Board Order (CAM)
(C)

DISCUSSIONS:

* 92-152 State Bank of Whittington (JA)(due 6/3)

* 92-154 Shell Oil Company (GTG)(due 6/3)

REGULATORY DISCUSSIONS:

R93-4 RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Proposal for Public Comment, Proposed Opinion and Order (JA)

NEW CASES:

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)

93-83 Finks & Austman v. EPA (JTM)

93-84 Consolidation Coal Company v. EPA (BF)

NEW CASES: (Cont'd)

- 93-85 People of the State of Illinois v. Liquid Air Corporation (MN) _____
- 93-86 People of the State of Illinois v. Middleby Corporation (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

- 93-87 People of the State of Illinois v. South Holland Metal Finishing Company, Inc. (BF)

- 93-88 People of the State of Illinois v. Russell, Burdsall & Ward Corporation (See agreed motion to request relief from hearing requirement filed 5/10) (CAM) _____
- 93-89 People of the State of Illinois v. Richard O. Schulz Company (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

- 93-90 People of the State of Illinois v. United Parcel Service, Inc. (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

- 93-91 People of the State of Illinois v. Free-Flow Packaging Company (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

- 93-92 People of the State of Illinois v. Elkay Manufacturing Company (CAM) _____
- 93-93 People of the State of Illinois v. Dupli-Color Products Company (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

- 93-94 People of the State of Illinois v. Cooper Tools (MN) _____
- 93-95 People of the State of Illinois v. City of Sandwich, Illinois (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)

NEW CASES: (Cont'd)

- 93-96 People of the State of Illinois v. Ashland Products, Inc. (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)
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- 93-97 People of the State of Illinois v. Adolph P. Raymond (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)
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- 93-98 People of the State of Illinois v. 3216 Garage Corporation (See agreed motion to request relief from hearing requirement filed 5/10) (CAM)
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- 93-99 LTV Steel Company (Hennepin Works) v. EPA (JA)
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- 93-100 ZMC, Inc. v. EPA (RCF)
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- 93-101 Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bolingbrook (GTG)
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- 93-102 Motorola v. EPA (Provisional Variance) (CAM)
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- 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) (SEE DECISIONS AGENDA)
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AC APPEALS:

- 93-13 Arthur Hammel
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AMENDED ADJUSTED STANDARDS:

- 92-14 Quantum Chemical (filed 5/17) (RCF)
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MINUTES:

May 5, 1993 _____