

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
JUNE 3, 1993 CHICAGO, ILLINOIS**

Chairman Manning called the meeting to order and announced the departure of Lou Ann Burnett, who has accepted a position as the Head of the Biological Safety Section of the Division of Environmental Health and Safety, at the University of Illinois in Urbana. Chairman Manning wished Ms. Burnett well, and also announced that Board Member M. Nardulli, is ill. All Board Members were present.

An Opinion and Order was adopted in #83-150, EPA v. Archer Daniels Midland Company, by a vote of 6-0. (CAM)

An Order was adopted in #AC 92-41(B), Lakewood Homes & Development Company, by a vote of 5-1. J. Theodore Meyer dissented. (BF)

Board Member J. Anderson presented a draft Opinion and Order in #92-152, State Bank of Whittington. Motion to amend by B. Forcade, and seconded by R.C. Flemal, failed to carry by a vote of 2-4 with B. Forcade and R.C. Flemal for it, and J. Anderson, G. Tanner Girard, C. Manning, and J. Theodore Meyer against it. The Opinion and Order was then adopted by a vote of 6-0. J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #92-154, Shell Oil Company, by a vote of 6-0. (GTG)

A Resolution and Order was adopted in #RES 93-1 (R91-20), Potentially Infectious Medical Waste, by a vote of 6-0. (RCF)

In R93-2, Pretreatment 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)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##93-14, H/L Disposal and Roy Larson; 93-15, CDT Landfill.

By a vote of 6-0, Complainant's motion for reconsideration was granted, and upon reconsideration, the Board vacated its February 4, 1993 Order, and entered a new Order requiring payment of \$90.00, representing the hearing costs incurred by Sangamon County, to be made to Sangamon County and the payment of \$862.25 to the General Revenue Fund representing hearing costs incurred by the Board, and denied Respondent's motion for stay as moot, in #AC 92-37(B), Gerald B. Miller. J. Anderson concurred. (BF)

An Order finding that the hearing costs incurred by the Board and Sangamon County were not excessive as alleged by the Respondent, was adopted in #AC 92-78(B), Philip Pennington, by a vote of 6-0. J. Anderson concurred. (RCF)

Complainant's motion to vacate an April 22, 1993 Board Order was granted and the docket was reopened in #AC 93-7, William G. Buckles, Jr., by a vote of 6-0. (CAM)

An Order directing the Agency to file its reply to Petitioner's amended petition before July 1, 1993, or to justify its continued delay, was adopted in #86-4, City of Morris, by a vote of 6-0. (RCF)

An Order directing the parties to file another status report on or before September 3, 1993 in the event that the case has not been dismissed, was adopted in #89-30, Olin Corporation, by a vote of 6-0. (CAM)

An Order directing the parties to provide written status reports to be received by the Board no later than September 15, 1993, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 5-0. B. Forcade abstained. (RCF)

An Order accepting the status report, and directing that another status report be filed by September 1, 1993, was adopted in #91-206, Clayton Chemical Company, by a vote of 6-0. (JTM)

By a vote of 6-0, an Order directing the parties to file a status report in accordance with the Hearing Officer Order, on or before September 15, 1993, and advising the parties that if any additional status reports are needed they shall be ordered by the Hearing Officer, was adopted in #91-208, Ashland Chemical. (CAM)

By a vote of 6-0, the Board, on its own motion, directed the Agency to file the Agency Record by June 14, 1993 in #91-219, General Motors Corporation. (JTM)

An Order directing the parties to file another status report with the Board on or before July 6, 1993, was adopted in #92-61, Ethyl Petroleum Additives, by a vote of 6-0. (JA)

An Order accepting the status report, and directing that the parties file an additional status report, or take further action on the case by August 3, 1993, was adopted in #92-69, Patterson Gear & Machine, by a vote of 6-0. (JA)

An Order directing the Petitioner to file an additional status report with the Board on or before October 1, 1993, was adopted in #92-108, The OK Trucking Company, by a vote of 6-0. (BF)

Petitioner's motion for voluntary dismissal was granted in #92-136, Safety-Kleen Corporation (Schaumburg Facility), by a vote of 6-0. (CAM)

An Order directing the parties to submit, on or before August 20, 1993, the appropriate filings with the Board, if it is determined that the issues can be resolved without further Board action, was adopted in #92-163, DJM Oil Company, by a vote of 6-0. (BF)

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

Petitioner's motion for reconsideration of an April 8, 1993 Board Order was granted, and upon reconsideration, the Board issued a new Order, incorporating the changes requested by the Petitioner in #92-217, General Chemical Corporation, by a vote of 6-0. (BF)

Complainant's motion to dismiss the complaint was granted in #93-43, Leonard F. Wolst, by a vote of 6-0. (GTG)

By a vote of 6-0, the Board, on its own motion, directed the Clerk of the Board to continue to hold the material marked "confidential" in her confidential files until further notice, in ##93-60, -61, Industrial Salvage. (RCF)

An Order granting the parties' joint motion to stay the filing of Petitioner's response to the Agency's motion for summary judgment until July 21, 1993, and authorizing the Hearing Officer to cancel the June 9, 1993 hearing, was adopted in #93-70, Joliet Park District, by a vote of 6-0. (JA)

Agency motion to file the Record Instanter was granted in #93-71, Indian Refining Company, by a vote of 5-0. B. Forcade abstained. (GTG)

Agency motion to supplement the Administrative Record was granted in #93-73, J & M, Inc., by a vote of 6-0. (CAM)

Agency motion to file the Record Instanter was granted in #93-74, M.S. Carver Lumber Company, by a vote of 6-0. (CAM)

Agency motion to file the Record Instanter was granted in #93-79, Pace Suburban Bus Division of RTA, by a vote of 5-0. B. Forcade abstained. (GTG)

Agency motion to file the Record Instanter was granted in #93-84, Consolidation Coal Company, by a vote of 6-0. (BF)

These cases were discussed and ordered held to June 17, 1993 for further discussion or possible decision: ##85-166, Citizens

Utilities Company; 90-182, Ronald & Susan Tex; AC 92-50, Lincoln/Logan Landfill; RES 93-1, In the Matter of: Limited Waivers of Deadlines and Cancellation of Hearings, Resolution of the Board (Note: Board Member, B. Forcade withdrew this Resolution, and the Resolution Number was re-assigned)

This regulatory matter was discussed and ordered held to June 17, 1993 for further discussion or possible decision: R91-20, Potentially Infectious Medical Waste, Adopted Rule, Final Order, Opinion and Order.

In new cases these actions were taken by a vote of 6-0: #93-101, Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bolingbrook, **ordered held to June 17, 1993 Board meeting**; 93-103, Caravelle Wood Products, Inc. v. EPA, accepted for hearing, **Order by C.A. Manning**; 93-104, Griffin Service and Sproule Construction v. EPA, accepted for hearing, **Order by B. Forcade**; 93-105, Divane Brothers Electric Company v. EPA, accepted for hearing, **Order by R.C. Flemal**; 93-106, C.A.R.E., Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, as members of C.A.R.E., Hoopeston Community Memorial Hospital, Hoopeston Industrial Corporation, William Regan, and Mary Regan, as Trustees v. James Van Weelden, d/b/a Illinois Landfills, Inc., and Hoopeston City Council, on behalf of the City of Hoopeston, accepted for hearing, **Order by J. Theodore Meyer**; 93-107, J.J.R.S. Investments (Motra Transmission) v. EPA, accepted for hearing, **Order by G. Tanner Girard**.

These Administrative Citations were received by the Board: #93-17, EPA v. Lorene Dunkel and John Hughes; 93-18, EPA v. Charles Logsdon; 93-19, EPA v. Laidlaw Waste Systems, Inc. & Environmental Reclamation Company.

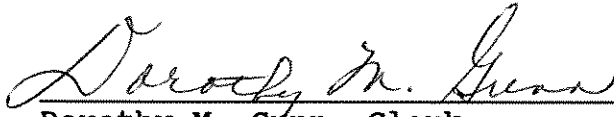
In Amended Adjusted Standards these actions were taken by a vote of 6-0: #91-12, Illinois American Water Company, **Petitioner's motion to file instanter its first Amended Petition for an Adjusted Standard was referred to the Hearing Officer for Disposition and Petitioner's motion for partial summary judgment was ordered held to June 17, 1993 for possible consideration**; 93-1, Quantum Chemical Corporation, **ordered held to June 17, 1993 for possible consideration**.

Minutes of the May 20, 1993 Board Meeting were approved by a vote of 6-0.

Minutes of the May 27, 1993 Special Board Meeting were approved by a vote of 4-0. Drs. R.C. Flemal and G. Tanner Girard abstained.

All other matters not disposed of as listed were ordered held to June 17, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of June, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 3, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 83-150 EPA v. Archer Daniels Midland Company (CAM)
(Stipulation)_____
- AC 92-41 Lakewood Homes & Development Company (BF)
(B)_____
- * 92-152 State Bank of Whittington (JA) (due)

- * 92-154 Shell Oil Company (GTG) (due)

- RES 93-2 Potentially Infectious Medical Waste, Resolution
R91-20 and Order (RCF)

- R93-2 Pretreatment Update, USEPA Regulations (July 1,
1992 through December 31, 1992), Proposal for
Public Comment, Proposed Opinion and Order (JA)

AC DECISIONS:

- 93-14 H/L Disposal and Roy Larson_____
- 93-15 CDT Landfill_____

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)

*** INDICATES VARIANCE OR PERMIT APPEAL**

MOTIONS: (Cont'd)

- AC 92-78 Philip Pennington - Respondent's objection to
(B) costs (4/27) (RCF)
-
- AC 93-7 William O. Buckles, Jr. - Complainant's motion to
vacate April 22, 1993 dismissal order (5/21) (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)
-
- 86-4 City of Morris - Board Order (RCF)
-
- 89-30 Olin Corporation - joint status report in response
to March 25, 1993 Board order (6/1) (CAM)
-
- 90-170 Goose Lake Association - Complainant's motion for
release of exhibits (5/28) (JA)
-
- 90-182 Ronald & Susan Tex - Respondent's motion for leave
to file reply (5/14) (GTG)
-
- 91-84 Indian Refining Limited Partnership - Petitioner's
status report in response to March 25, 1993 Board
order (5/21), Agency status report in response to
March 25, 1993 Board order (5/24) (RCF)
-
- 91-206 Clayton Chemical - status report in response to
April 22, 1993 Board order (5/20) (JTM)
-
- 91-208 Ashland Chemical - Petitioner's motion to file an
amended status report and amended waiver of Board
decision date (5/26) (CAM)
-
- 91-219 General Motors - Board Order (JTM)
-

MOTIONS: (Cont'd)

- 92-61 Ethyl Petroleum Additives - joint status report in response to May 5, 1993 Board order (5/28) (JA)
-
- 92-69 Patterson Gear & Machine - Complainant's status report in response to April 22, 1993 Board order (5/20) (JTM)
-
- 92-108 The OK Trucking Company - status report in response to May 20, 1993 Board order (5/27) (BF)
-
- 92-136 Safety-Kleen Corporation - Petitioner's motion to voluntarily dismiss (5/24) (CAM)
-
- 92-163 DJM Oil Company - joint status report in response to April 8, 1993 Board order (4/26) (BF)
-
- 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), (GTG)
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- 92-202 Veach Oil Company - Petitioner's motion for reconsideration of April 22, 1993 Board order (5/20) (GTG)
-
- 92-205 Douglas Furniture of California - Agency motion to file status report instanter (5/26) (JA)
-
- 92-217 General Chemical Corporation - Petitioner's motion to reconsider (5/7) (BF)
-
- 93-10 Pekin Metro Landfill - Agency motion for summary judgment (6/1) (JA)
-
- 93-43 Leonard Wolst - Complainant's motion for voluntary dismissal (6/1) (GTG)
-
- 93-60) Industrial Salvage - Board order (RCF)
93-61)
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MOTIONS: (Cont'd)

- 93-70 Joliet Park District - Agency motion for summary judgment and memorandum of law in support of motion for summary judgment (5/12), joint motion to stay filing of Petitioner's response and to stay ruling on Agency's motion for summary judgment and to continue hearing (5/21)(JA)
-
- 93-71 Indian Refining Company - Agency motion to file record instanter (5/27)(GTG)
-
- 93-73 J.M. Plating - Agency supplemental volume of Agency record and motion to supplement administrative record (5/26)(CAM)
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- 93-74 M.S. Carver Lumber Company - Agency motion to file record instanter (5/27)(CAM)
-
- 93-79 Pace Suburban Bus Division of RTA - Agency motion to file record instanter (5/26)(GTG)
-
- 93-84 Consolidation Coal Company - Agency motion to file record instanter (5/26)(BF)
-
- 93-99 LTV Steel Company - Petitioner's motion for stay of proceedings (5/27)(JA)
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DISCUSSIONS:

- 85-166 Citizens Utilities Company (JTM)_____
- 90-182 Ronald & Susan Tex (GTG)_____
- AC 92-50 Lincoln/Logan Landfill (JTM)_____
- RES 93-1 In the Matter of: Limited Waivers of Deadlines and Cancellation of Hearings, Resolution of the Board (BF)_____

REGULATORY DISCUSSIONS:

R91-20 Potentially Infectious Medical Waste, Adopted Rule,
Final Order, Opinion and Order (RCF)

NEW CASES:

93-101 Citizens Utilities Company of Illinois and Village
of Plainfield v. EPA and Village of Bolingbrook
(See response of Village of Bolingbrook filed 5/26
and Agency motion to dismiss for lack of subject
matter jurisdiction filed 5/28) (GTG)

93-103 Caravell Wood Products, Inc. v. EPA (CAM)

93-104 Griffin Service and Sproule Construction v. EPA
(BF)

93-105 Divane Brothers Electric Company v. EPA (RCF)

93-106 C.A.R.E., Larry Slates, Lonnie Seymour, James
Klaber, Faye Mott, Hoopeton Community Memorial
Hospital, Hoopeton Industrial Corporation, William
Regan and Mary Regan v. James Van Weelden, d/b/a
Illinois Landfills, Inc. and Hoopeton City
Council, in behalf of the City of Hoopeton, County
of Vermilion, and State of Illinois (JTM)

93-107 J.J.R.S. Investments (Motra Transmission) v. EPA
(GTG)

NEW AC CASES:

93-17 EPA v. Lorene Dunkel and John Hughes

93-18 EPA v. Charles Logsdon

93-19 EPA v. Laidlaw Waste Systems, Inc. & Environmental
Reclamation Company

AMENDED ADJUSTED STANDARDS:

91-12 Illinois American Water Company (filed 6/1) (See also Petitioner's motion to file instanter its first Amended Petition for an Adjusted Standard, motion for Partial Summary Judgment and Memorandum of Law in support of its motion for Partial Summary Judgment filed 6/1) (RCF)

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

MINUTES:

May 20, 1993 _____

May 27, 1993 (Special Board Meeting) _____