

[Handwritten signature]

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
JUNE 17, 1993 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Manning welcomed Board Member, M. Nardulli, back and wished him best wishes in his continuing recovery from his illness. All Board Members were present.

An Opinion and Order was adopted in #90-182, Ronald & Susan Tex, by a vote of 6-1. R.C. Flemal dissented. (GTG)

An Opinion and Order was adopted in #92-213, People of the State of Illinois v. Atwood Industries, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-86, People of the State of Illinois v. Middleby Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-88, People of the State of Illinois v. Russell, Burdsall & Ward Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-90, People of the State of Illinois v. United Parcel Service, Inc. by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-91, People of the State of Illinois v. Free-Flow Packaging Company, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

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

An Opinion and Order was adopted in #93-95, People of the State of Illinois v. City of Sandwich, Illinois, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-96, People of the State of Illinois v. Ashland Products, Inc., by a vote of 6-2. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-97, People of the State of Illinois v. Adolph Raymond, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

In R91-20, Potentially Infectious Medical Waste, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R91-27, Amendments to Subtitle B: RACT Applicability to Sources with the Potential to Emit 25 TPY or more of Organic Material, a Dismissal Order was adopted by a vote of 7-0. (CAM)

In R91-31, Amendments to Subtitle B: Employee Trip Reduction Plans, a Dismissal Order was adopted by a vote of 7-0. (GTG)

In R91-32, Amendments to Subtitle B: Granite City Sulfur Dioxide Emissions Limits, a Dismissal Order was adopted by a vote of 7-0. (RCF)

In R91-33, Amendments to Subtitle B: Alton Sulfur Dioxide Emissions Limits, a Dismissal Order was adopted by a vote of 7-0. (JTM)

In R91-34, Amendments to Subtitle B: Southeast Chicago Sulfur Dioxide Emissions Limitations, a Dismissal Order was adopted by a vote of 7-0. (JA)

In R91-37, Amendments to Subtitle B: PM10 Contingency Measures, a Dismissal Order was adopted by a vote of 7-0. (BF)

In R92-19, Amendments to Landfill Regulations, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

A Default Order was adopted in #AC 93-16, CDT Landfill, by a vote of 7-0. (CAM)

Agency motion to dismiss Respondent John Hughes was granted in #AC 93-17, Lorene Dunkel, by a vote of 7-0. (RCF)

An Order granting the Agency's motion to extend the time to file its response to Petitioner's second amended petition until August 16, 1993, and directing the Hearing Officer to continue the hearing, was adopted in #AS 92-14, Quantum Chemical Corporation, by a vote of 7-0. (RCF)

An Order granting Petitioner's motion for leave to file its reply instanter to the Agency's response to its motion for rehearing and reconsideration, granting Petitioner's motion for reconsideration, and upon reconsideration, declining to order a rehearing, was adopted in #85-140, Citizens Utilities Company, by a vote of 7-0. (JA)

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 July 16, 1993, was adopted in #90-135, The Grigoleit Company, by a vote of 7-0. (JA)

An Order granting Complainant's motion to release the exhibits in part, directing the Complainant to provide a copy of each standardized exhibit for the Board's files, authorizing the Clerk of the

Board to release all of Complainant's oversized exhibits, and directing the Complainant to make arrangements with the Clerk of the Board for the photocopying and release of the exhibits, was adopted in #90-170, Goose Lake Association, by a vote of 7-0. (JA)

An Order directing the parties to file a status report on or before September 17, 1993, in the event the appeal has not been dismissed, was adopted in #91-87, Olin Corporation, by a vote of 7-0. (CAM)

An Order directing the parties to file an updated status report on or before September 1, 1993, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 7-0. (CAM)

An Order accepting the status reports, granting the Complainant's request to continue, and directing the parties to file status reports to be received by the Board no later than July 16, 1993, was adopted in #91-157, The Grigoleit Company, by a vote of 7-0. (JA)

An Order directing the parties to file a status report on or before September 17, 1993, in the event the appeal has not been dismissed, was adopted in #91-207, Olin Corporation, by a vote of 7-0. (CAM)

An Order granting the parties' motion to continue and directing the parties' to file status reports to be received by the Board no later than August 3, 1993, was adopted in #92-23, The Grigoleit Company, by a vote of 7-0. (JA)

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 July 16, 1993, was adopted in #92-110, The Grigoleit Company, by a vote of 7-0. (JA)

An Order directing the parties to file status reports with the Board, to be received by the Board no later than September 10, 1993, or the petition may be subject to dismissal for want of prosecution, was adopted in #92-140, Motor Wheel Corporation, by a vote of 7-0. (BF)

An Order granting Petitioner's motion for an expedited decision consistent with the Board's resources and time constraints, was adopted in #92-142, Illinois Power Company, by a vote of 7-0. (GTG)

An Order granting Complainant's motion for leave to file a reply to Respondent's memorandum in opposition to Complainant's motion to disqualify until June 25, 1993, was adopted in #92-164, Berniece and Darwin Kershaw, by a vote of 7-0. (GTG)

An Order directing the parties to file a status report on or before September 17, 1993, in the event the appeal has not been dismissed,

was adopted in #92-175, Olin Corporation, by a vote of 7-0. (RCF)

An Order directing the parties to file an additional status report with the Board by September 8, 1993, was adopted in #92-196, Safety-Kleen Corporation, by a vote of 7-0. (GTG)

An Order granting the parties joint motion to vacate the Board's May 5, 1993 Board Order, and directing the parties to file a status report with the Board by October 1, 1993, was adopted in #93-16, Beloit Corporation, by a vote of 7-0. (GTG)

An Order construing the Agency's motion to amend a February 25, 1993 Board as an Amended Recommendation, vacating the provisional variance granted the Petitioner on February 25, 1993 and granting the Petitioner a provisional variance from 35 Ill. Adm. Code 212.123 and 212.203, subject to conditions, was adopted in #93-36, Illinois Power Company, by a vote of 7-0. (CAM)

An Order granting Petitioner's motion for continuance, directing the parties to submit status reports to the Board and the Hearing Officer to be received by August 15, 1993, and authorizing the Hearing Officer to continue the hearing to a date consistent with the Order, was adopted in #93-45, -46, St. Louis Auto Shredding, by a vote of 6-0. B. Forcade abstained. (RCF)

An Order granting the Petitioner's motion for stay until August 25, 1993, and directing the parties to file status reports to be received by the Board no later than August 25, 1993, was adopted in #93-99, LTV Steel Company, by a vote of 7-0. (JA)

Petitioner's motion to dismiss was granted in #93-103, Caravelle Wood Products, by a vote of 7-0. (CAM)

Petitioner's motion to extend the time for filing of its Brief was granted until July 2, 1993, in #93-106, C.A.R.E. et al., by a vote of 7-0. (JTM)

A joint motion for inclusion of language incorporating by reference the recently published United States Environmental Protection Agency Manual, Petitions to Delist Hazardous Wastes: A Guidance Manual, Second Edition, March 1993, was granted in R93-4, RCRA Update, USEPA (July 1, 1992 through December 31, 1992), by a vote of 7-0. (JA)

These cases were discussed and ordered held to July 1, 1993 for further discussion or possible decision: #91-202, Sherex Chemical Company; AS 92-10, Southern Illinois Power Cooperative; 92-26, Dale & Deborah Dettlaff; AC 92-50 (Dockets A & B), Lincoln/Logan Landfill; AC 92-79 (Dockets A & B), Lee Hsueh; 92-200, Ron's Interstate Sunoco; 92-203, Chuck & Dan's Auto Service; 93-11, Material Recovery Corporation; 93-51, Village of Sauget; 93-52, -54, Village of Robbins; 93-89, Richard Schulz Company.

This regulatory matter was discussed and ordered held to July 1, 1993 for further discussion or possible decision: R93-1, Safe Drinking Water Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Phase V Amendments.

In new cases these actions were taken by a vote of 7-0: ##93-101, Citizens Utilities Company of Illinois and Village of Plainfield v. EPA and Village of Bolingbrook, petition dismissed for lack of jurisdiction to review the Illinois Water Quality Management Plan, **Order by G.T. Girard**; 93-108, Fiatallis North America, Inc. v. EPA, accepted for hearing, **Order by M. Nardulli**; 93-109, People of the State of Illinois v. Granite City Pickling & Warehousing, 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 will reserve ruling on the parties' request until after the statutory 21 day notice has passed; 93-110, City of Byron v. EPA, held for an Agency Recommendation; 93-111, Bocker Chevrolet v. EPA, accepted for hearing, **Order by R.C. Flemal**; 93-112, City of Benton v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-113, Vulcan Materials Company - Joliet Quarry #340 v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-114, Leonard Carmichael v. Browning-Ferris Industries of Illinois, Inc. and Ogle County Board, accepted for hearing, **Order by C.A. Manning**.

This Administrative Citation was received by the Board: #93-20, EPA v. Illinois Landfill, Inc. and Kenton Roderick.


This Amended Adjusted Standard was accepted for hearing: #AS 93-2, Borden Chemicals & Plastics.

Minutes of the June 3, 1993 Board Meeting were approved by a vote of 6-0. M. Nardulli abstained.

By a vote of 7-0, this action was taken in new case #93-115, City of East Moline v. EPA, held for an Agency Recommendation. (Thereafter, Chairman Manning expressed the Board's appreciation to Morton Dorothy for his services to the Board)

All other matters not disposed of as listed were ordered held to July 1, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 1st day of July, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 17, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

93-115 City of East Moline v. EPA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 17, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 90-182 Ronald & Susan Tex (GTG)
-
- 92-213 People of the State of Illinois v. Atwood Industries, Inc. (CAM) (Stipulation)
-
- 93-86 People of the State of Illinois v. Middleby Corporation (CAM) (Stipulation)
-
- 93-88 People of the State of Illinois v. Russell, Burdsall & Ward Corporation (CAM) (Stipulation)
-
- 93-90 People of the State of Illinois v. United Parcel Service, Inc. (CAM) (Stipulation)
-
- 93-91 People of the State of Illinois v. Free-Flow Packaging Company (CAM) (Stipulation)
-
- 93-93 People of the State of Illinois v. Dupli-Color Products Company (CAM) (Stipulation)
-
- 93-95 People of the State of Illinois v. City of Sandwich, Illinois (CAM) (Stipulation)
-
- 93-96 People of the State of Illinois v. Ashland Products, Inc. (CAM) (Stipulation)
-

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- 93-97 People of the State of Illinois v. Adolph Raymond
(CAM) (Stipulation)
-
- 93-98 People of the State of Illinois v. 3216 Garage
Corporation (CAM) (Stipulation)
-
- R91-20 Potentially Infectious Medical Waste, Adopted Rule,
Final Order, Opinion and Order (RCF)
-
- R91-27 Amendments to Subtitle B: RACT Applicability to
Sources with the Potential to Emit 25 TPY or More
of Organic Material - Dismissal Order (CAM)
-
- R91-31 Amendments to Subtitle B: Employee Trip Reduction
Plans - Dismissal Order (GTG)
-
- R91-32 Amendments to Subtitle B: Granite City Sulfur
Dioxide Emissions Limits - Dismissal Order (RCF)
-
- R91-33 Amendments to Subtitle B: Alton Sulfur Dioxide
Emissions Limits - Dismissal Order (JTM)
-
- R91-34 Amendments to Subtitle B: Southeast Chicago Sulfur
Dioxide Emissions Limitations - Dismissal Order
(JA)
-
- R91-37 Amendments to Subtitle B: PM10 Contingency
Measures - Dismissal Order (BF)
-
- R92-19 Amendments to Landfill Regulations, Adopted Rule,
Final Order, Opinion and Order (JA)
-

AC DECISIONS:

- 93-16 CDT Landfill (CAM)
-

MOTIONS:

- AC 93-17 Lorene Dunkel & John Hughes - Agency motion to dismiss Respondent John Hughes (6/14) (RCF)
-
- AS 92-14 Quantum Chemical Corporation - Agency motion to extend time to file Agency Response (6/14) (RCF)
-
- 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 Petitioner's motion for rehearing (5/4) (JA)
-
- 90-135 The Grigoleit Company - Petitioner's status report in response to May 5, 1993 Board Order and motion to continue (6/4) (JA)
-
- 90-170 Goose Lake Association - Complainant's motion for release of exhibits (5/28) (JA)
-
- 91-87 Olin Corporation - joint status report in response to April 8, 1993 Board Order (6/10) (CAM)
-
- 91-94 Safety-Kleen Corporation - Petitioner's status report in response to May 20, 1993 Board Order (6/15) (CAM)
-
- 91-157 The Grigoleit Company - Petitioner's status report in response to May 20, 1993 Board Order (6/4), Complainant's status report in response to May 20, 1993 Board Order and motion to continue (6/8) (JA)
-
- 91-207 Olin Corporation - joint status report in response to April 8, 1993 Board Order (6/10) (CAM)
-

MOTIONS: (Cont'd)

- 92-23 The Grigoleit Company - Agency status report in response to May 5, 1993 Board order (6/4), Petitioner's status report in response to May 5, 1993 Board Order and motion to continue (6/4)(JA)
-
- 92-110 The Grigoleit Company - Petitioner's status report in response to May 5, 1993 Board order and motion to continue (6/4)(JA)
-
- 92-140 Motor Wheel Corporation - Petitioner's status report in response to April 8, 1993 Board order (6/8)(BF)
-
- 92-142 Illinois Power Company - Petitioner's request for decision (6/16)(GTG)
-
- 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 motion for leave to file reply to Respondents' memorandum in opposition to Complainant's motion to disqualify (6/9), Respondents' response to Complainant's motion for leave to file reply to Respondents' memorandum in opposition to Complainant's motion to disqualify (6/16)(GTG)
-
- 92-175 Olin Corporation - joint status report in response to April 8, 1993 Board order (6/10)(RCF)
-
- 92-196 Safety-Kleen Corporation - Petitioner's status report in response to April 8, 1993 Board order (6/8)(GTG)
-
- 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) (JA)
-
- 93-16 Beloit Corporation - agreed motion to vacate May 5, 1993 Board order (6/8) (GTG)
-
- 93-36 Illinois Power Company - Agency motion to amend February 25, 1993 (Provisional Variance) Board Order (6/16) (CAM)
-
- 93-45) St. Louis Auto Shredding - Petitioner's motion for
93-46) immediate review of Hearing Officer's decision and
 continuance of hearing date (6/10) (RCF)
-
- 93-99 LTV Steel Company - Petitioner's motion for stay of proceedings (5/27) (JA)
-
- 93-103 Caravelle Wood Products - Petitioner's motion to dismiss (7/14) (CAM)
-
- 93-106 C.A.R.E. et al. - Petitioners' motion to extend time for filing of brief (6/16) (JTM)
-
- R93-4 RCRA Update, USEPA Regulations - joint motion for inclusion (6/15) (JA)
-

DISCUSSIONS:

- * 91-202 Sherex Chemical Company (JA) (due 7/1)
-
- AS 92-10 Southern Illinois Power Cooperative (See motion for entry of final order filed 6/16) (BF)
-

DISCUSSIONS: (Cont'd)

- 92-26 Dale & Deborah Dettlaff (BF) _____
- AC 92-50 Lincoln/Logan Landfill (JTM) _____
(A & B)
- AC 92-79 Lee-Hsueh (BF) _____
(A & B)
- * 92-200 Ron's Interstate Sunoco (JTM) (due 7/1)

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

- 93-11 Material Recovery Corporation (GTG) (due 7/1)

- * 93-51 Village of Sauget (JTM) (due 7/1)

- * 93-52) Village of Robbins (GTG) (due 7/1)
93-54) _____
- 93-89 Richard O. Schulz Company (CAM) _____

REGULATORY DISCUSSIONS:

- R93-1 Safe Drinking Water Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Phase V Amendments (JA) _____

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; Agency motion to dismiss for lack of subject matter jurisdiction (5/28); joint objections to Agency motion to dismiss and joint motion to strike purported special and limited appearance (6/2)) (GTG)

- 93-108 Fiatallis North America, Inc. v. EPA

NEW CASES: (Cont'd)

- 93-109 People of the State of Illinois v. Granite City Pickling & Warehousing, Inc. (See agreed motion to request relief from hearing requirement filed 6/9) (CAM)
-
- 93-110 City of Byron v. EPA
-
- 93-111 Bocker Chevrolet v. EPA
-
- 93-112 City of Benton v. EPA (Provisional Variance) (CAM)
-
- 93-113 Vulcan Materials Company - Joliet Quarry #340 v. EPA (Provisional Variance) (CAM)
-
- 93-114 Leonard Carmichael v. Browning-Ferris Industries of Illinois, Inc. and Ogles County Board, for an on behalf of the County of Ogle, State of Illinois
-

NEW AC CASES:

- 93-20 EPA v. Illinois Landfill, Inc. and Kenton Roderick
-

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) (RCF)
-
- 93-1 Quantum Chemical Corporation (filed 6/1) (CAM)
-
- 93-2 Borden Chemicals & Plastics (filed 6/4) (BF)
-

MINUTES:

June 3, 1993 _____