

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
OCTOBER 7, 1993 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning introduced and welcomed John Cross, who will serve as the Legislative Liaison to the Board. All Board Members were present.

An Opinion and Order was adopted in #AS 92-7, Illinois Power Company, by a vote of 7-0. J. Anderson, J. Theodore Meyer, and M. Nardulli concurred. (BF)

An Opinion and Order was adopted in #AS 92-14, Quantum Chemical Corporation, by a vote of 7-0. (RCF)

An Opinion and Order was adopted in #93-114, Browning-Ferris Industries and Ogle County Board, by a vote of 7-0. (CAM)

An Opinion and Order was adopted in #91-173, Marathon Oil Company (Appellate Court Remand), by a vote of 7-0. (RCF)

In R91-23, Marathon Oil Company Site-Specific, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R93-11, Smaller Source Permit Rules, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##93-22, Saline County Landfill et al.; 93-36, Royanne Grooms and Randy Rowe; 93-38, Waste Management, Inc.

Complainant's Motion to Dismiss was granted in #AC 93-29, Patrick Cheak, by a vote of 7-0. (CAM)

An Order continuing the stay of the proceedings, and directing the Petitioner to submit another status report on or before January 1, 1994, which shall provide the additional information requested by the Board in the Order, was adopted in #AS 91-10, Cabot Corporation, by a vote of 7-0. (JA)

An Order granting the parties' Motion for Stay, and directing the parties to file an updated status report, and the Agency to file its response to the petition on or before March 1, 1994, was adopted in #AS 92-1, Stiffel Company, by a vote of 7-0. (CAM)

By a vote of 7-0, the Board, on its own motion, directed the Petitioner to file a detailed status report with the Board by October 25, 1993, or the petition in #91-206, Clayton Chemical Company, will be subject to dismissal. (JTM)

By a vote of 7-0, the Board, on its own motion, directed the Agency to file a motion instanter, accompanied by either a filing of the record by October 12, 1993, or a request for an extension of the filing date to a date certain no later than March 1, 1994 in #92-109, Archer Daniels Midland Company. (JA)

An Order directing the Petitioner to submit to the Board and the Hearing Officer a status report by October 21, 1993, which shall clearly indicate whether the Petitioner wishes the matter to go to hearing or request dismissal, was adopted in #92-168, Edwards-Etherton Oil Company, by a vote of 7-0. (CAM)

An Order directing the Petitioner to submit to the Board and the Hearing Officer a status report by October 21, 1993, which shall clearly indicate whether the Petitioner wishes the matter to go to hearing or request dismissal, was adopted in #92-184, Braun's Standard Service, by a vote of 7-0. (CAM)

An Order directing the parties to file a detailed status report with the Board by October 25, 1993, and advising the parties that failure to comply with the Order will subject the petition to dismissal, was adopted in #92-196, Safety-Kleen Corporation, by a vote of 7-0. (GTG)

An Order directing the parties to submit an additional status report by January 17, 1994, was adopted in #93-16, Beloit Corporation, by a vote of 7-0. (GTG)

An Order granting the Agency's Motion for an Extension of time to file its Recommendation until October 18, 1993, was adopted in #93-72, Atlanta Meadows, by a vote of 7-0. (BF)

An Order granting the Agency's Motion for Leave to file the Record Instanter, was adopted in #93-156, LaSalle National Bank, by a vote of 7-0. (JTM)

An Order granting the Agency's Motion to file the Record Instanter, was adopted in #93-158, Wheaton Park District, by a vote of 7-0. (BF)

An Order granting the Agency's Motion to file the Record Instanter, was adopted in #93-165, Connecticut Mutual Life Insurance, by a vote of 7-0. (JTM)

An Order granting the Agency's Motion for an Extension of Time to file the Record until December 30, 1993, was adopted in #93-174, Applied Composites Corporation, by a vote of 7-0. (MN)

Agency Motion for an Expedited Correction in R92-21, Amendments to the New Source Review Rules, was deferred and handled under the regulatory discussion agenda.

An Order extending the comment period until October 30, 1993, for USEPA Region 5 and the Agency only, was adopted in R93-10, RCRA Subtitle D Amendments (Amendments to 35 Ill. Adm. Code Part 810, Part 811, and Part 814), by a vote of 7-0. (JA)

These cases were discussed and ordered held to October 21, 1993 for further discussion or possible decision: ##92-90, Robertson-Ceco; 91-157, People of the State of Illinois v. The Grigoleit Company; 93-108, Fiatallis North America; 93-157, People of the State of Illinois v. Lisle Park District and R.L. Smith Construction, Inc.

This regulatory matter was discussed and ordered held to October 21, 1993 for further discussion or possible decision: R93-4, RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992).

In R93-26, Amendments to the New Source Review Rules, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (GTG)

In Amended Petition #93-147, Village of Grantfork, these actions were taken by a vote of 7-0: 120 day decision timeclock restarted with its filing, and held for an Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: ##93-161, Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge, held for duplicitous/frivolous determination; 93-171, Leo G. Fore et al. v. Midstate Kart Club, additional information requested, Order by M. Nardulli; 93-177, SuperAmerica Group, Inc. (Galesburg Station #4138) v. EPA, accepted for hearing, Order by R.C. Flemal; 93-178, General Chemical Corporation (Chemical Manufacturing Plant) v. EPA, additional information requested, Order by B. Forcade; 93-179, IBP, Inc. (Joslin Facility) v. EPA, additional information requested, Order by G. Tanner Girard; 93-180, Browning-Ferris Industries v. EPA, Provisional Variance granted, Order by C.A. Manning; 93-181, Amoco Oil Company v. EPA, Provisional Variance granted, Order by C.A. Manning; 93-182, People of the State of Illinois v. Hybrid Service 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 will reserve ruling on the parties' request until after the statutory 21 day notice has passed, Order by C.A. Manning; 93-183, Edgewater Beach Apartments Corporation v. EPA, additional information requested, Order by M. Nardulli; R93-26, Amendments to the New Source Review Rules, 35 Ill. Adm. Code 203, See Regulatory Discussion Agenda.

These Administrative Citations were accepted by the Board:##93-44, EPA v. Atkinson Landfill Company; 93-45, Montgomery County v. Rita Hefley; 93-46, County of Jackson v. Robert Waldron; 93-47, County of Jackson v. Richard Wallace; 93-48, EPA v. Raymond and Pamela

Carter; 93-49, County of Jackson v. Patrick Cheak; 93-50, Sangamon County v. Peter Rapacz; 93-51, Sangamon County v. Peter Rapacz.

An Order advising Respondent, Ray Landers, that if he does not wish to proceed with the matter he may file a motion to dismiss, and if a motion to dismiss is not received by the Board prior to November 15, 1993, the matter will be set for hearing, was adopted in #AC 93-30, Ray Landers, by a vote of 7-0. (BF)

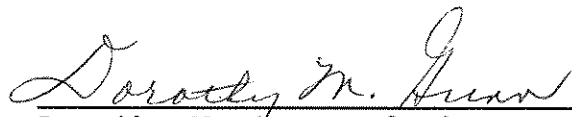
Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #93-39, Peoria Disposal Company.

An Order advising Respondent, Norman Clark, that if he does not wish to proceed with the matter he may file a motion to dismiss, and if a motion to dismiss is not received by the Board prior to November 15, 1993, the matter will be set for hearing, was adopted in #AC 93-42, Norman Clark, by a vote of 7-0. (CAM)

An Order granting the Petitioner's motion to file its status report instanter, and directing the parties to file a status report with the Board concerning the matter on or before February 7, 1994, was adopted in #91-208, Ashland Chemical, by a vote of 7-0. (MN)

Minutes of the September 23, 1993 Board Meeting were approved by a vote of 7-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of October, 1993, by a vote of 7-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 7, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

91-208 Ashland Chemical - Petitioner's status report and
motion to file instanter (10/6) (MN)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 7, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

91-173 Marathon Oil Company (Appellate Court Remand) (RCF)

AS 92-7 Illinois Power Company (BF)

AS 92-14 Quantum Chemical Corporation (RCF)

* 93-114 Browning-Ferris Industries and Ogle County Board
(CAM) (due) _____
R91-23 Marathon Oil Company Site-Specific, Proposed Rule,
First Notice, Opinion and Order (RCF)

R93-11 Smaller Source Permit Rules, Proposed Rule, Second
Notice Opinion and Order (RCF)

AC DEFAULT ORDERS:

93-22 Saline County Landfill et al. _____
93-36 Royanne Grooms & Randy Rowe _____
93-38 Waste Management, Inc. _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- AC 92-33 Alexander Development Company - Respondent's Motion for Reconsideration of Hearing Costs (9/13) (CAM)

- AC 92-64 Rochelle Disposal Service - Respondent's Motion to Reconsider August 26, 1993 Board Order (9/21) (CAM)

- AC 92-79 Lee Hseuh - Complainant's Motion to Reconsider August 26, 1993 Board Order (10/1) (BF)
(B) _____
- AC 93-13 H. Arthur Hammel - Agreed Motion to Dismiss (9/29) (JA) _____
- AC 93-29 Patrick Cheak - Complainant's Motion to Dismiss (9/30) (CAM) _____
- AS 91-10 Cabot Corporation - Status report in response to July 1, 1993 Board Order (9/24) (JA)

- AS 92-1 Stiffel Company - Joint status report in response to March 25, 1993 Board Order and Request for Stay (10/4) (CAM) _____
- 91-206 Clayton Chemical Company - Status report Order (JTM) _____
- 92-109 Archer Daniels Midland - Board Order (JA)

- 92-168 Edwards-Etherton Oil Company - Status report Order (CAM) _____
- 92-184 Braun's Standard - Status report Order (CAM)

- 92-196 Safety-Kleen Corporation - Status report Order (GTG) _____
- 93-16 Beloit Corporation - Status report in response to June 17, 1993 Board Order (9/30) (GTG)

MOTIONS: (Cont'd)

- 93-72 Atlanta Meadows - Agency Motion for Leave to file Instanter Motion for Extension of Time to file Agency Recommendation (9/27), Petitioner's response to Agency Motion for Leave and Motion for Extension (9/27) (BF)
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- 93-104 Griffin Service - Agency motion to supplement the administrative record (10/4) (BF)
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- 93-105 Divane Brothers Electric Company - Agency's second motion for summary judgment (10/4) (RCF)
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- 93-150 Robert Miehle - Respondent's Motion to Dismiss and Memorandum of Law in Support of its Motion to Dismiss (9/10), Complainant's response to Respondent's motion to dismiss (10/4) (CAM)
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- 93-156 LaSalle National Bank - Agency Motion for Leave to file the Agency Record Instanter (9/23) (JTM)
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- 93-158 Wheaton Park District - Agency Motion to file the Agency Record Instanter (9/23) (BF)
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- 93-165 Connecticut Mutual Life Insurance - Agency Motion to file Record Instanter (10/1) (JTM)
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- 93-174 Applied Composites Corporation - Agency Motion for Extension of Time to File Record (9/29) (MN)
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- R92-21 Amendments to the New Source Review Rules - Agency Motion for Expedited Correction (9/23) (GTG)
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- R93-10 RCRA Subtitle D Amendments - Board Order (JA)
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DISCUSSIONS:

- * 92-90 Robertson-Ceco (GTG) (open waiver) _____

DISCUSSIONS: (Cont'd)

- 91-157 People of the State of Illinois v. The Grigoleit Company (JA) (Stipulation)_____
 - * 93-108 Fiatallis North America (MN)(due 11/4)_____
 - 93-157 People of the State of Illinois v. Lisle Park District and R.L. Smith Construction, Inc. (CAM) (Stipulation)_____
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REGULATORY DISCUSSIONS:

- R93-4 RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992) (JA)_____
 - R93-26 Amendments to the New Source Review Rules, Proposed Rule, First Notice, Opinion and Order (GTG)_____
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AMENDED PETITIONS:

- 93-147 Village of Grantfork (filed 10/1) (JTM)_____

NEW CASES:

- 93-161 Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge (See the Rotary Club of Villa Park's Motion to Dismiss filed 9/13; Village of Villa Park's Motion to Dismiss filed 9/15; Complainants' Reply to Motion to Dismiss Complaint filed 9/16; Rotary Club of Villa Park's Amended Motion to Dismiss filed 9/17; motion to dismiss by Villa Park Masonic Lodge filed 9/20; Complainant's Reply to Amended Motion to Dismiss Complaint filed 9/20; Complainant's Reply to Villa Park's Kiwanis Club's Motion to Dismiss filed 9/21; Rotary Club of Villa Park's Amended Motion to Dismiss filed 9/27; Motion to Vacate Technical Defaults and for Leave to file Instanter and Affidavit in Support Thereof, Motion to Dismiss County of DuPage and Affidavit in Support Thereof filed 10/4; Complainants' reply to Motions filed on October 1, 1993 by Anna B. Harkins, Assistant State's Attorney, DuPage County filed 10/6) (CAM)
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- 93-171 Leo G. Fore et al. v. Midstate Kart Club (MN)
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- 93-177 SuperAmerica Group, Inc. (Galesburg Station #4138) v. EPA (RCF)
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- 93-178 General Chemical Corporation (Chemical Manufacturing Plant) v. EPA (BF)
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- 93-179 IBP, Inc. (Joslin Facility) v. EPA (GTG)
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- 93-180 Browning-Ferris Industries v. EPA (Provisional Variance) (CAM)
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- 93-181 Amoco Oil Company v. EPA (Provisional Variance) (CAM)
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- 93-182 People of the State of Illinois v. Hybrid Service Company (See also Agreem Motion to Request Relief from the Hearing Requirement filed 10/5) (CAM)
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NEW CASES: (Cont'd)

93-183 Edgewater Beach Apartments Corporation v. EPA (MN)

R93-26 Amendments to the New Source Review Rules 35 Ill.
Adm. Code 203 (DOCKET RESERVED; SEE ALSO REGULATORY
DISCUSSION AGENDA)

NEW AC CASES:

93-44 EPA v. Atkinson Landfill Company_____

93-45 Montgomery County v. Rita Hefley_____

93-46 County of Jackson v. Robert Waldron_____

93-47 County of Jackson v. Richard Wallace_____

93-48 EPA v. Raymond & Pamela Carter_____

93-49 County of Jackson v. Patrick Cheak_____

93-50 Sangamon County v. Peter Rapacz_____

93-51 Sangamon County v. Peter Rapacz_____

AC APPEALS:

93-30 Ray Landers (See letter filed September 7, 1993)
(BF)_____

93-39 Peoria Disposal Company_____

93-42 Norman Clark (See letter filed September 23, 1993)

MINUTES:

September 23, 1993_____