

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
JUNE 2, 1994 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Manning introduced Paul Fargo, a first year law student at John Marshall Law School, who will serve as a summer law clerk at the Board's Chicago office. Thereafter, Chairman Manning asked the Clerk of the Board for a roll call, and all Board Members answered present.

An Opinion and Order was adopted in #93-122, EMRO Marketing Company, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #94-55, Myrtle Landwehrmeir, by a vote of 6-0. C.A. Manning concurred. (ED)

An Opinion and Order, accepting the Stipulation and Proposal for Settlement in the amount of \$4,500.00, was adopted in #94-112, People of the State of Illinois v. Teepak, Inc., by a vote of 6-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$15,000.00, was adopted in #94-114, People of the State of Illinois v. Olympic Oil Ltd., by a vote of 6-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$10,000.00, was adopted in #94-140, People of the State of Illinois v. Uniroyal Chemical Company, Inc., by a vote of 6-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$20,000.00, was adopted in #94-141, People of the State of Illinois v. Parker Hannifin Corporation, by a vote of 6-0.

In R93-27, Groundwater Protection, Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 6-0. (RCF)

In R94-6, RCRA Subtitle D Amendments, a Proposed Rule, Dismissal Order was adopted by a vote of 6-0. (GTG)

In R94-15, 15% ROP Plan Control Measures for VOM Emissions - Part II: Marine Vessel Loading Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (GTG)

A Default Order was adopted in this Administrative Citation by a vote of 6-0: #94-17, EPA v. John Allsop.

An Order denying the Complainant's motion to dismiss the

Administrative Citation against the Respondent, was adopted in #AC 93-49, County of Jackson v. Patrick Cheak, by a vote of 6-0. (CAM)

Pursuant to a Stipulation Agreement amending the complaint, a Default Order was adopted in #AC 94-23, Sangamon County v. Halverson Construction Company, by a vote of 6-0. (CAM)

An Order granting the Petitioner's motion to extend the stay until July 17, 1994, and directing the Petitioner to file an additional status report on or before July 17, 1994, which shall indicate the status of any on-going negotiations, was adopted in #AS 93-1, Quantum Chemical Corporation, by a vote of 6-0. (CAM)

An Order granting a joint motion for an extension of time until July 12, 1994 for the Petitioner to file its amended petition, was adopted in #AS 94-2, Solar Corporation, by a vote of 6-0. (McF)

An Order granting a joint motion for an extension of time until July 12, 1994 for the Petitioner to file its amended petition, was adopted in #AS 94-4, Chase Products Company, by a vote of 6-0. (McF)

An Order granting a joint motion for stay until September 15, 1994, and directing the parties to file status reports, either jointly or separately, no later than September 6, 1994, which shall include detailed information of the progress of an anticipated rulemaking, was adopted in #AS 94-5, Abbott Laboratories, by a vote of 6-0. (JTM)

An Order granting a joint motion for stay until September 15, 1994, and directing the parties to file status reports, either jointly or separately, no later than September 6, 1994, which shall include detailed information of the progress of an anticipated rulemaking, was adopted in #AS 94-6, Hydrosol, Inc., by a vote of 6-0. (JTM)

An Order advising the parties that the Board is ready to proceed with the docket, directing the Petitioner and the Agency to update the most recent filings including any additional monitoring and reporting data from the Petitioner, and asking the Agency to specifically address whether the conditions requested in the 1991 response should still be included and to what dates, was adopted in #86-2, City of LaSalle CSO, by a vote of 6-0. (GTG)

An Opinion and Order granting the Complainant's and the Respondents' joint motion for acceptance of the settlement agreement and entry of a final Order, and finding that the Respondents' motion to vacate the hearing date and to enforce the settlement agreement to be moot based upon the subsequent filing of the joint motion, was adopted in #92-80, Lake County Forest Preserve District, by a vote of 6-0. (JTM)

An Order granting the Petitioner's motion for summary judgment but making no finding on the issue of eligibility of the 10,000 gallon heating oil tank at the Petitioner's facility as the record does not indicate the reason for the Agency's reversal of its prior decision nor does the Petitioner's motion address the issue of eligibility, was adopted in #93-28, RTC Industries, by a vote of 6-0. (ED)

An Order construing the Petitioner's stipulation for substitution of attorneys as a motion for substitution of attorneys, granting the motion for substitution of attorneys, granting the joint motion to dismiss, denying the Petitioner's motion for continuance as moot, and closing the docket, was adopted in #93-111, Bocker Chevrolet Company, by a vote of 6-0. (RCF)

An Order directing the Petitioner to file a status report on or before July 13, 1994, was adopted in #93-138, Safety-Kleen Corporation, by a vote of 6-0. (ED)

An Order granting the Petitioner's motion to withdraw its petition, was adopted in #93-158, Wheaton Park District, by a vote of 6-0. (CAM)

Petitioner's motion to reconsider the Board's April 21, 1994 Order will be taken with the case-in-chief in #94-51, Rodney B. Nelson, III.

An Order granting the Respondent's motion to file the record instanter, was adopted in #94-106, Sheridan Towers Partnership, by a vote of 6-0. (McF)

These cases were discussed and held to June 23, 1994 for further discussion or possible decision: ##91-202, Sherex Chemical Company; 93-58, L. Keller Oil Properties.

These regulatory matters were discussed and held to June 23, 1994 for further discussion or possible decision: R87-33, Amerock Effluent Standard, Adopted Rule, Final Order, Opinion and Order; R90-26(A), Foundry & Steel Landfill Amendments, Adopted Rule, Final Order, Opinion and Order; R90-26(B), Foundry & Steel Landfill Amendments, Proposed Rule, Second Notice, Opinion and Order; R91-23, Marathon Oil Site-Specific, Proposed Rule, Second Notice, Opinion and Order; R93-29, Regulation of Landscape Waste Compost Facilities (35 Ill. Adm. Code 830 - 832), Proposed Rule, First Notice, Opinion and Order; R93-30, Contingency Measures for PM10 Emissions, Adopted Rule, Final Order, Opinion and Order; R94-7, RCRA Subtitle C Hazardous Waste Update, USEPA Regulations (January 1, 1993 through December 31, 1993).

In new cases these actions were taken by a vote of 6-0: ##94-146, Dorothy L. Hoffman v. City of Columbia, Board determined that the complaint is not duplicitous or frivolous and accepted the matter

for hearing and Respondent's motion to dismiss was denied, **Order by C.A. Manning**; 94-150, Angela M. White v. Terry & Billie VanTine and Schneider National Transport, Inc., Respondents' motion for an extension of time to file a reply to the complaint was granted until June 8, 1994, and the matter was held for duplicitous/frivolous determination; 94-155, Cabot Corporation v. EPA, held for an Agency Recommendation; 94-156, Stepan Company (Millsdale Facility) v. EPA, accepted for hearing, **Order**; 94-157, Community Trust Bank (Wilson's Service Center) v. EPA, accepted for hearing, **Order**; 94-158, Macon County Landfill v. EPA, held for an Agency Recommendation; 94-159, Grimm's Diversified Services, Corporation v. EPA, accepted for hearing, **Order**; 94-160, BTL Specialty Resins Corporation v. EPA, additional information requested, **Order**; 94-161, Envirite Corporation, d/b/a County Environmental of Livingston v. EPA, held to June 23, 1994 Board Meeting; 94-162, Chemical Waste Management, Inc. (Trade Waste Incineration) v. EPA, Petitioner directed to file an amended petition in this docket, and new petitions in two docket which are reserved for this action as PCB 94-169 and 94-170, each of the new petitions must be accompanied by the \$75.00 filing fee, the filing of the amended and new petitions will restart the Board's decision timeclock, and upon motion the Board will consider consolidating the three dockets for hearing, **Order**; 94-163, Richard W. Gaunt, Sr. v. EPA, held to June 23, 1994 Board Meeting; R94-15, 15% Plan Control Measures for VOM Emissions - Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219, **SEE DECISIONS AGENDA.**

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##94-24, EPA v. Frank Blair; 94-28, Sangamon County v. ESG Watts, Inc.; 94-29, Sangamon County v. ESG Watts, Inc.

This Administrative Citation was accepted by the Board: #94-33, People of the County of Will v. Beecher Development Landfill.

In Adjusted Standards, these actions were taken by a vote of 6-0: ##94-9, Petition of the City of Springfield, Illinois, Office of Public Utilities for an Adjusted Standard from 35 Ill. Adm. Code Section 302.208(e), held to June 23, 1994 Board Meeting; 94-10, Petitioner of Envirite Corporation for a Revised Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D, the Petitioner's request for trade secret protection for Sections 6 and 9 of its petition for an adjusted standard, and denies the Petitioner's request for trade secret protection for Section 15 of its petition, Clerk of the Board was directed to protect from disclosure as representing trade secrets Sections 6 and 9 of the Petitioner's application for an adjusted standard, and the matter shall proceed to hearing, **Order by M. McFawn.**

ADDENDUM

This case was discussed and held to June 23, 1994 for further discussion or possible decision: #86-1, City of Peru CSO.

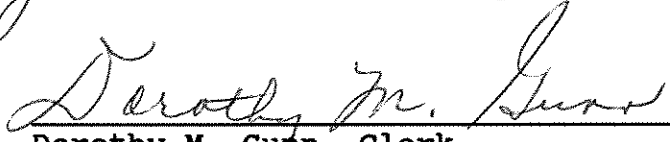
A provisional variance was granted in new case #94-164, Precoat Metals v. EPA, by a vote of 6-0.

Minutes of the May 19, 1994 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to June 23, 1994 for possible consideration.

Motion to adjourn by R.C. Flemal, seconded by E. Dunham carried by a vote of 6-0, and the meeting was adjourned.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 23rd day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 2, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DISCUSSIONS:

86-1 City of Peru CSO (GTG)

NEW CASES:

94-164 Precoat Metals v. EPA (Provisional Variance) (CAM)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 2, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

*	93-122	EMRO Marketing Company (ED) (due)	
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AS	94-7	Rhone-Poulenc Basic Chemicals (RCF)	
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*	94-55	Myrtle Landwehrmeir (ED) (due)	
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	94-112	People of the State of Illinois v. Teepak, Inc. (Stipulation)	
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	94-114	People of the State of Illinois v. Olympic Oil Ltd. (Stipulation)	
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	94-140	People of the State of Illinois v. Uniroyal Chemical Company, Inc. (Stipulation)	
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	94-141	People of the State of Illinois v. Parker Hannifin Corporation (Stipulation)	
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	R93-27	Groundwater Protection, Proposed Rule, Second Notice, Opinion and Order (RCF)	
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	R94-6	RCRA Subtitle D Amendments, Proposed Rule, Dismissal Order (GTG)	
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*** INDICATES VARIANCE OR PERMIT APPEAL**

DECISIONS: (cont'd)

R94-15 15% ROP Plan Control Measures for VOM Emissions - Part II: Marine Vessel Loading Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219, Proposed Rule, First Notice, Proposed Opinion and Order (GTG)

AC DEFAULT ORDERS:

94-17 EPA v. John Allsop

MOTIONS:

93-49 AC Patrick Cheak - Complainant's Motion to Dismiss Administrative Citation (5/2) (Note: Default Order entered November 18, 1993) (CAM)

94-11 AC ESG Wats, Inc. - Respondent's Motion to Vacate Default Judgment (5/25)

94-12 AC ESG Wats, Inc. - Respondent's Motion to Vacate Default Judgment (5/25)

94-13 AC ESG Wats, Inc. - Respondent's Motion to Vacate Default Judgment (5/25)

94-15 AC ESG Wats, Inc. - Respondent's Motion to Vacate Default Judgment (5/25)

94-23 AC Halverson Construction Company - Stipulation Agreement (amending complaint) (5/26) (CAM)

93-1 AS Quantum Chemical Corporation - Petitioner's Status Report in Response to February 17, 1994 Board Order and Motion to Extend Stay (5/17) (CAM)

94-2 AS Solar Corporation - Joint Motion for Extension of Time (5/27) (MCF)

MOTIONS: (cont'd)

- AS 94-4 Chase Products Company - Joint Motion for Stay (5/27) (MCF)
- AS 94-5 Abbott Laboratories - Joint Motion for Stay (5/27) (JTM)
- AS 94-6 Hydrosol, Inc. - Joint Motion for Stay (5/27) (JTM)
- 86-2 City of Lasalle CSO - Board Order (GTG)
- 91-86 Raymond and Mary Moore - Petitioners' Status Report in Response to December 16, 1993 Board Order (2/15), Petitioners' Supplemental Status Report (2/28), Petitioners' Motion for Partial Summary Judgment (3/15), Stipulation of Settlement and Dismissal (5/18) (MCF)
- 92-80 Lake County Forest Preserve District - Respondents Motion to Vacate Hearing and Enforce Settlement Agreement (5/20), Joint Motion for Acceptance of Settlement Agreement and Entry of Final Order (5/27) (JTM)
- 92-109 Archer Daniels Midland - Agency Motion to Extend Time in which to file the Agency Record (5/27) (MCF)
- 92-134 Lone Star Industries - Petitioner's Motion for Relief from Final Order (5/18)
- 93-28 RTC Industries - Petitioner's Motion for Summary Judgment (5/18) (ED)
- 93-111 Bocker Chevrolet - Petitioner's Motion to Continue (See Hearing Officer letter filed May 16, 1994), Petitioner's Stipulation for Substitution of Attorneys and Joint Motion to Dismiss (5/27) (RCF)
- 93-138 Safety-Kleen Corporation - Petitioner's Status Report in Response to May 19, 1994 Board Order (5/24) (ED)

MOTIONS: (cont'd)

93-158 Wheaton Park District - Petitioner's Motion to Withdraw Petition (5/19) (CAM)

94-51 Rodney B. Nelson, III - Motion to Reconsider April 21, 1994 Board Order (4/25), Addendum to Motion to Reconsider April 21, 1994 Board Order (4/29), Waste Management's Response to Rodney Nelson's Motion for Reconsideration (5/2), Petitioner's Second Addendum to Motion to Reconsider (5/11), City of Geneva's Response to Petitioner's Addenda (5/18) (CAM)

94-106 Sheridan Towers Partnership - Respondent's Motion to File Instante Respondent's Record on Appeal (5/25) (MCF)

DISCUSSIONS:

91-202 Shere Chemical Company (FD) (due 6/23)

93-58 L. Keller Oil Properties (JTM)

REGULATORY DISCUSSIONS:

R87-33 Amerock Effluent Standard, Adopted Rule, Final Order, Opinion and Order (JTM)

R90-26 Foundry & Steel Landfill Amendments, Adopted Rule, Final Order, Opinion and Order (RCF)

R90-26 Foundry & Steel Landfill Amendments, Adopted Rule, Final Order, Opinion and Order (RCF)

R91-23 Marathon Oil Site-Specific, Proposed Rule, Second Notice, Opinion and Order (RCF)

REGULATORY DISCUSSIONS: (cont'd)

R93-29 Regulation of Landscape Waste Compost Facilities (35 Ill. Adm. Code 830 - 832), Proposed Rule, First Notice, Opinion and Order (MCF)

R93-30 Contingency Measures for PM10 Emissions, Adopted Rule, Final Order, Opinion and Order (JTM)

R94-7 RCRA Subtitle C Hazardous Waste Update, USEPA Regulations (January 1, 1993 through December 31, 1993) (ED)

AMENDED PETITIONS:

94-137 Robert Schwake Stone Company (filed 5/20) (MCF)

NEW CASES:

94-146 Dorothy L. Hoffman v. City of Columbia (See Respondent's Motion to Dismiss filed 5/11) (CAM)

94-150 Angela M. White v. Terry & Billie VanTine and Schneider National Transport, Inc. (See Respondents' Motion for Extension of Time to Respond to Formal Complaint filed 5/16; Respondent's Motion to Dismiss or in the Alternative for a more Definitive Statement filed 5/20; Complainant's Motion for Denial for Extension of Time in which to Respond to Formal Complaint filed 5/25) (ED)

94-155 Cabot Corporation v. EPA

94-156 Stepan Company (Millsdale Facility) v. EPA

94-157 Community Trust Bank (Wilson's Service Center) v. EPA

NEW CASES: (cont'd)

94-158 Macon County Landfill v. EPA

94-159 Grimm's Diversified Services, Corporation v. EPA

94-160 BTL Specialty Resins Corporation v. EPA

94-161 Envirite Corporation, d/b/a County Environmental of Livingston v. EPA

94-162 Chemical Waste Management, Inc. (Trade Waste Incineration) v. EPA

94-163 Richard E. Gaunt, Sr. v. EPA

R94-15 15% ROP Plan Control Measures for VOM Emissions - Part II: Marine Vessel Loading: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219 (see also Motion for Waiver of Requirements filed 5/26) (SEE DECISIONS AGENDA)

AC APPEALS:

94-24 EPA v. Frank Blair

94-28 Sangamon County v. ESG Watts, Inc.

94-29 Sangamon County v. ESG Watts, Inc.

NEW AC CASES:

94-33 People of the County of Will v. Beecher Development Landfill

NEW ADJUSTED STANDARDS:

AS	94-9	Petition of the City of Springfield, Illinois, Office of Public Utilities for an Adjusted Standard from 35 Ill. Adm. Code Section 302.208(e), Petitioner's Certificate of Publication (5/26) (GTG)
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AS	94-10	Petition of Envirite Corporation for Revised Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D, Petitioner's Certificate of Publication (5/31) (RCF)
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MINUTES:

May 19, 1994