

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
MARCH 31, 1994 CHICAGO, ILLINOIS**

After calling the meeting to order, Board Member J. Theodore Meyer, asked the Clerk of the Board for a roll call. All Board Members answered present save Chairman Manning who was on vacation.

An Interim Opinion and Order was adopted in #92-80, Lake County Forest Preserve District, by a vote of 5-0. (JTM)

An Opinion and Order was adopted in #92-166, Marathon Oil Company, by a vote of 5-0. (RCF)

An Opinion and Order was adopted in #93-225, People of the State of Illinois v. Parkview Metals, Inc., by a vote of 5-0. J. Theodore Meyer concurred. (McF)

An Opinion and Order was adopted in #94-73, People of the State of Illinois v. K N I Corporation, and Knomark, Inc., by a vote of 5-0. J. Theodore Meyer concurred. (McF)

In R90-26(A & B), Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 810 through 815 and 817), a Proposed Rule, Second First Notice, Supplemental Opinion and Order was adopted by a vote of 4-0. E. Dunham abstained. (RCF)

In R90-26(B), Steel and Foundry Industry Amendments to the Landfill Regulations (35 Ill. Adm. Code 817.309), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 4-0. E. Dunham abstained. (RCF)

In R93-26, Amendments to the New Source Review Rules (35 Ill. Adm. Code 203), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (GTG)

In R94-3, Definition of VOM Update, USEPA Regulations (July 1, 1993 through December 31, 1993), a Proposed Rule, Dismissal Order was adopted by a vote of 5-0. (RCF)

In R94-8, UST Update, USEPA Regulations (July 1, 1993 through December 31, 1993), a Proposed Rule, Dismissal Order was adopted by a vote of 5-0. (McF)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##94-6, Sangamon County v. D. Ray Smith; 94-7, Williamson County Solid Waste Office v. Gerald Baltzell; 94-9, EPA v. City of Jacksonville; 94-10, County of DuPage v. Waste Management of Illinois.

An Order extending the stay of the matter until September 15, 1994, directing the Petitioner to file a status report on or before

September 8, 1994 indicating the status of the USEPA's final promulgation of a site-specific control requirement for Petitioner's aluminum rolling operations, and directing the Petitioner to file the appropriate motion if the federal rule is finally promulgated before September 8, 1994, was adopted in #AS 91-8, Petition of Reynolds Metal Company, by a vote of 5-0. (MCF)

An Order granting the Agency's motion to file the response instanter, was adopted in #AS 93-8, Petition of Akzo Chemicals, by a vote of 5-0. (GTG)

An Order granting the Agency's motion for an extension of time until June 14, 1994, to file its response to the Petitioner's request for an adjusted standard, was adopted in #AS 94-3, Petition of Outboard Marine Corporation, by a vote of 5-0. (MCF)

An Order directing the Agency to file a response to the Petitioner's amended petition for a permanent exception for combined sewer overflow no later than April 21, 1994, was adopted in #86-1, Petition of the City of Peru, by a vote of 5-0. (MCF)

An Order accepting the joint status report, and directing the parties to file status reports by August 5, 1994, was adopted in #90-215, Spraying Systems Company, by a vote of 5-0. (ED)

An Order granting a 120-day stay of the proceedings, and directing the Petitioner to file an additional status report no later than August 1, 1994, was adopted in #91-28, -92-2, Acme Steel Company, by a vote of 5-0. (JTM)

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 the request until after the statutory 21 day notice has passed, was adopted in #92-67, Escast, Inc., by a vote of 5-0. (RCF)

An Order granting the Petitioner's motion to voluntarily dismiss, was adopted in #92-112, James River Paper Company, by a vote of 5-0. (MCF)

An Order granting the Petitioner's motion for leave to file its status report instanter in response to a December 16, 1993 Board Order, and directing the parties to file a status report with the Board to be received by the Board no later than June 15, 1994, was adopted in #92-143, Dietzgen Corporation, by a vote of 5-0. (GTG)

An Order directing the parties to file, on or before April 29, 1994, any stipulation and proposal for settlement which they may reach, was adopted in #92-164, Berniece and Darwin Kershaw, by a vote of 5-0. (GTG)

Since no substantive action has taken place in the matter, an Order directing the parties to file status reports with the Board no later than April 29, 1994, was adopted in #93-15, Dorothy and Michael Furlan, by a vote of 5-0. (ED)

An Order granting the Petitioners' motion to dismiss the petition, was adopted in #93-29, 5566 Building Partnership and Box Form, by a vote of 5-0. (McF)

An Order directing the parties to submit status reports to be received by the Board and Hearing Officer no later than May 9, 1994, was adopted in ##93-45, -46, St. Louis Auto Shredding, by a vote of 5-0. (RCF)

An Order denying the Complainants' motion for reconsideration of the Board's February 3, 1994 Order, granting the Respondents motion to clarify the Board's February 3, 1994 Order, and accordingly, restated that the complaint is dismissed as to all three parties named, including Emergency Preparedness & Disaster Services, a division of the Chicago Fire Department, was adopted in #93-247, Valerie Johnson et al., by a vote of 5-0. (McF)

While making no findings of fact or conclusions of law, based on the parties assurances and affirmations, an Order dismissing the matter, closing the docket, and directing the parties to effectuate their agreement, was adopted in #94-42, Madison Group 90, by a vote of 5-0. (McF)

An order granting the Petitioner's motion for voluntary dismissal without prejudice, was adopted in #94-45, Metropolitan Airport Authority, by a vote of 5-0. (GTG)

An Order granting the Petitioner's motion to voluntarily dismiss the matter, was adopted in #94-46, Benet Academy, by a vote of 5-0. (GTG)

These cases were discussed and ordered held to April 21, 1994 for further discussion or possible decision: ##AC 92-86, EPA v. Al Seaman; AC 93-45, Rita Hefley; 93-59, People of the State of Illinois v. Freedom Oil Company; 93-65, Albert Warner; 93-215, Marvin Damron; 93-260, Glenbard Wastewater Authority.

This regulatory matter was discussed and ordered held to April 21, 1994 for further discussion or possible decision: R94-7, RCRA Subtitle C, USEPA Regulations (July 1, 1993 through December 31, 1993), Proposal for Public Comment.

In amended petition #94-27, Marathon Oil Company, these actions were taken by a vote of 5-0: the Board accepted the amended petition, and the statutory decision deadline timeclock was restarted from the date of filing of the amended petition. (RCF)

In new cases these actions were taken by a vote of 5-0: ##94-92, USA Waste Services, Inc. (Countryside Landfill) v. EPA, additional information requested, **Order by M. McFawn**; 94-93, White Cap, Inc. v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 94-94, People of the State of Illinois v. The Milnot 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 M. McFawn**; 94-95, City of Staunton v. EPA, held for an Agency Recommendation; 94-96, People of the State of Illinois v. MII, 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; 94-97, Safety-Kleen Corporation (Urbana Service Center) v. EPA, accepted for hearing, **Order by M. McFawn**; 94-98, Beardstown Area Citizens For a Better Environment v. City of Beardstown and Southwest Energy Corporation, accepted for hearing, **Order by J. Theodore Meyer**; 94-99, Village of Mapleton v. EPA, held for an Agency Recommendation; 94-100, State Oil Company v. EPA, provisional variance granted, **Order by J. Theodore Meyer**; 94-101, Mobil Oil Company v. EPA, provisional variance granted, **Order by J. Theodore Meyer**; 94-102, People of the State of Illinois v. APV Rockford, 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, **Order by M. McFawn**; R94-3, Definition of VOM Update, USEPA Regulations (July 1, 1993 through December 31, 1993), **See Decisions Agenda**; R94-4, Safe Drinking Water Act, USEPA Regulations (July 1, 1993 through December 31, 1993), **Docket Reserved**; R94-5, UIC, USEPA Regulations (July 1, 1993 through December 31, 1993), **Docket Reserved**; R94-6, RCRA Subtitle D, USEPA Regulations (July 1, 1993 through December 31, 1993), **Docket Reserved**; R94-7, RCRA Subtitle C, USEPA Regulations (July 1, 1993 through December 31, 1993), **See Regulatory Discussions Agenda**; R94-8, UST, USEPA Regulations (July 1, 1993 through December 31, 1993), **See Decisions Agenda**; R94-9, CERCLA, USEPA Regulations (July 1, 1993 through December 31, 1993), **Docket Reserved**; R94-10, Pretreatment, USEPA Regulations (July 1, 1993 through December 31, 1993), **Docket Reserved**.

Because a Petition for Review was received, a hearing will be set in this Administrative Citation: #94-8, EPA v. Atkinson Landfill Company.

These new Administrative Citations were accepted by the Board: ##94-14, Montgomery County, Illinois v. John O'Brien; 94-15, Sangamon County v. ESG Watts, Inc.; 94-16, Sangamon County v. Leroy Donley and Donley, Inc.; 94-17, EPA v. John Allsop; 94-18, EPA v. Harold Molen.

In new Adjusted Standard #AS 94-7, Rhone-Poulenc Basic Chemicals

Company, Thorn Creek Basin Sanitary District, these actions were taken by a vote of 5-0: the Board found the petition to be neither duplicative, frivolous, or deficient, no hearing will be held since the Petitioners have waived their rights to a hearing, and since the petition is the type of case for which the Act prescribes no deadline for decision, the Act does require a Petitioner to timely pursue disposition of the petition. (RCF)

ADDENDUM

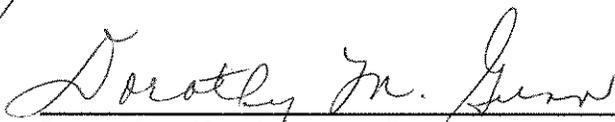
In new cases these actions were taken by a vote of 5-0: ##94-103, Rend Lake Conservancy District v. EPA, provisional variance granted, **Order by J. Theodore Meyer**; 94-104, Commonwealth Edison (Dresden Generating Station) v. EPA, provisional variance granted, **Order by J. Theodore Meyer**; 94-105, City of Monmouth v. EPA, provisional variance granted, **Order by J. Theodore Meyer**.

New Adjusted Standard #AS 94-8, Petition of Acme Steel Company and LTV Steel Company was held to April 21, 1994 for possible consideration.

Minutes of the March 17, 1994 Board Meeting were approved by a vote of 5-0.

All other matters not disposed of as listed were ordered held to April 21, 1994 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of April, 1994, by a vote of 5-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 31, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

94-103 Rend Lake Conservancy District v. EPA (Provisional
Variance) (JTM)

94-104 Commonwealth Edison (Dresden Generating Station)
v. EPA (Provisional Variance) (JTM)

94-105 City of Monmouth v. EPA (Provisional Variance)
(JTM)

NEW ADJUSTED STANDARDS:

94-8 Petition of Acme Steel Company and LTV Steel
Company

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 31, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

- 92-80 Lake County Forest Preserve District, Interim
Opinion and Order (JTM)
-
- * 92-166 Marathon Oil Company (RCF) (due)
-
- AC 93-30 The Illinois National Bank of Springfield, n/k/a
(A & B) First of America Trust Company and Ray Landers (ED)
-
- 93-225 People of the State of Illinois v. Parkview Metals,
Inc. (McF) (Stipulation)
-
- 94-73 People of the State of Illinois v. K N I
Corporation, and Knomark, Inc. (McF) (Stipulation)
-
- R90-26 Steel and Foundry Industry Amendments to the
(A & B) Landfill Regulations (35 Ill. Adm. Code 810 through
815 and 817), Proposed Rule, Second First Notice,
Supplemental Opinion and Order (RCF)
-
- R90-26 Steel and Foundry Industry Amendments to the
(B) Landfill Regulations (35 Ill. Adm. Code 817.309),
Proposed Rule, First Notice, Opinion and Order
(RCF)
-
- R93-26 Amendments to the New Source Review Rules (35 Ill.
Adm. Code 203), Adopted Rule, Final Order, Opinion
and Order (GTG)
-

*** INDICATES VARIANCE OR PERMIT APPEAL**

DECISIONS: (Cont'd)

- R94-3 Definition of VOM Update, USEPA Regulations (July 1, 1993 through December 31, 1993), Proposed Rule, Dismissal Order (RCF)
-
- R94-8 UST Update, USEPA Regulations (July 1, 1993 through December 31, 1993), Proposed Rule, Dismissal Order (McF)
-

AC DEFAULT ORDERS:

- 94-6 Sangamon County v. D. Ray Smith
-
- 94-7 Williamson County Solid Waste Office v. Gerald Baltzell
-
- 94-9 EPA v. City of Jacksonville
-
- 94-10 County of DuPage v. Waste Management of Illinois
-

MOTIONS:

- AS 91-8 Reynolds Metals Company - Petitioner's Interim Status Report in Response to March 3, 1994 Board Order (3/23) (McF)
-
- AS 93-8 AKZO Chemicals - Agency Motion to file Agency Response Instantly (3/17) (GTG)
-
- AS 94-3 Outboard Marine Corporation - Agency Request for an Extension to Respond (3/16) (McF)
-
- 86-1 City of Peru CSO - Board Order (GTG)
-
- 90-215 Spraying Systems Company - Joint Status Report in Response to December 16, 1993 Board Order (3/21) (ED)
-

MOTIONS: (Cont'd)

- 91-28) Acme Steel Company - Joint Status Report in
92-2) Response to February 3, 1994 Board Order (3/25)
(JTM)
-
- 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) (McF)
-
- 92-67 Escast, Inc. - Agreed Motion to Request Relief from
Hearing Requirement (3/22) (RCF)
-
- 92-112 James River Paper Company - Petitioner's Motion to
Voluntarily Dismiss (3/29) (McF)
-
- 92-143 Dietzgen Corporation - Petitioner's Motion for
Leave to File Status Report Instanter in Response
to December 16, 1993 Board Order (3/16) (GTG)
-
- 92-164 Berniece and Darwin Kershaw - Joint Status Report
in Response to February 17, 1994 Board Order (3/18)
(GTG)
-
- 93-15 Dorothy and Michael Furlan - Status Report Order
(ED)
-
- 93-28 RTC Industries - Petitioner's Status Report in
Response to January 6, 1994 Board Order (3/21) (ED)
-
- 93-29 5566 Building Partnership - Petitioner's Corrected
Status Report in Response to March 3, 1994 Board
Order and Request to Dismiss (3/21) (McF)
-
- 93-44 James & Jeanine Tonne - Complainants Response to
March 3, 1994 Board Order (3/21) (ED)
-
- 93-45) St. Louis Auto Shredding - Joint Status Report in
93-46) Response to March 3, 1994 Board Order (3/18) (RCF)
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MOTIONS: (Cont'd)

- 93-150 Robert Miehle - Respondent's Motion to Dismiss or in the Alternative Compel Discovery and Order Sanctions (3/28) (CAM)
-
- 93-247 Valerie Johnson et al. - Respondents' Motion to Clarify February 3, 1994 Board Order (2/22), Complainants' Motion for Reconsideration of February 3, 1994 Order (3/7), Respondents' Response to Complainants' Motion for Reconsideration (3/18) (McF)
-
- 94-42 Madison Group 90 - Petitioner's Stipulation of Settlement and Dismissal (3/18) (McF)
-
- 94-43 American Tree Service - Motion to Intervene by the Val-E-Vue Improvement Association (3/28) (CAM)
-
- 94-45 Metropolitan Airport Authority - Petitioner's Motion for Voluntary Dismissal Without Prejudice (3/21) (GTG)
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- 94-46 Benet Academy - Petitioner's Petition for Dismissal (3/17) (GTG)
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DISCUSSIONS:

- AC 92-86 EPA v. Al Seaman (McF)
- AC 93-45 Rita Hefley (McF)
- 93-59 People of the State of Illinois v. Freedom Oil Company (McF)
- 93-65 Albert Warner (RCF)
- * 93-215 Marvin Damron (GTG) (due 4/21)
- * 93-260 Glenbard Wastewater Authority (ED) (due 5/19)
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REGULATORY DISCUSSIONS:

R94-7 RCRA Subtitle C Update, USEPA Regulations (July 1, 1993 through December 31, 1993), Proposal for Public Comment (ED)_____

AMENDED PETITIONS:

94-27 Marathon Oil Company (filed 3/18)(RCF)

94-51 Rodney B. Nelson, III (filed 2/24)(Consolidated with PCB 94-58; See also Motion to Dismiss filed by Waste Management of Illinois 3/1; Motion in Support of Rodney Nelson's Standing filed 3/3; Petitioner's Reply to Standing Challenge filed 3/7; Waste Management of Illinois, Inc.'s Response to Kane County's Motion in Support of Rodney B. Nelson Standing filed 3/9; The City of Geneva's Response to Motion to Dismiss and Other Matters filed 3/14; Petitioner's Motion to Strike Respondent Waste Management's Response to Kane County's Motion in Support of Petitioner's Standing filed 3/21; Waste Management of Illinois, Inc.'s Response to Motion to Strike filed by the City of Geneva and Petitioner (3/25)(CAM)_____

NEW CASES:

94-2 Anne Shepard, James Verhein, and Jerold Leckman v. Northbrook Sports Club, and Village of Hainesville (See also Northbrook Sports Club's Motion to Dismiss as Frivolous filed 1/26; Village of Hainesville's Motion to Dismiss filed 1/27; Northbrook Sports Club's Supplemental Memorandum in Support of Motion to Dismiss as Frivolous filed 1/28)(GTG)

94-92 USA Waste Services, Inc. (Countryside Landfill) v. EPA (McF)_____

94-93 White Cap, Inc. v. EPA (GTG)

NEW CASES: (Cont'd)

- 94-94 People of the State of Illinois v. The Milnot Company (See also Agreed Motion to Request Relief From Hearing Requirement filed 3/21) (McF)
-
- 94-95 City of Staunton v. EPA (ED)
-
- 94-96 People of the State of Illinois v. MII, Inc. (See also Agreed Motion to Request Relief From Hearing Requirement filed 3/24) (McF)
-
- 94-97 Safety-Kleen Corporation (Urbana Service Center) v. EPA (McF)
-
- 94-98 Beardstown Area Citizens For a Better Environment v. City of Beardstown and Southwest Energy Corporation (JTM)
-
- 94-99 Village of Mapleton v. EPA
-
- 94-100 State Oil Company v. EPA (Provisional Variance) (JTM)
-
- 94-101 Mobil Oil Company v. EPA (Provisional Variance) (JTM)
-
- 94-102 People of the State of Illinois v. APV Rockford, Inc. (See also Agreed Motion to Request Relief From Hearing Requirement filed 3/29) (JTM)
-
- R94-3 Definition of VOM Update, USEPA Regulations (July 1, 1993 through December 31, 1993) (RCF) (DOCKET RESERVED) (SEE DECISIONS AGENDA)
- R94-4 Safe Drinking Water Act, USEPA Regulations (July 1, 1993 through December 31, 1993) (RCF) (DOCKET RESERVED)
- R94-5 UIC, USEPA Regulations (July 1, 1993 through December 31, 1993) (RCF) (DOCKET RESERVED)
- R94-6 RCRA Subtitle D, USEPA Regulations (July 1, 1993 through December 31, 1993) (GTG) (DOCKET RESERVED)

NEW CASES: (Cont'd)

- R94-7 RCRA Subtitle C, USEPA Regulations (July 1, 1993 through December 31, 1993) (ED) (DOCKET RESERVED) (SEE REGULATORY DISCUSSIONS AGENDA)
- R94-8 UST, USEPA Regulations (July 1, 1993 through December 31, 1993) (McF) (DOCKET RESERVED) (SEE DECISIONS AGENDA)
- R94-9 CERCLA, USEPA Regulations (July 1, 1993 through December 31, 1993) (CAM) (DOCKET RESERVED)
- R94-10 Pretreatment, USEPA Regulations (July 1, 1993 through December 31, 1993) (JTM) (DOCKET RESERVED)
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AC APPEALS:

- 94-8 EPA v. Atkinson Landfill Company
-

NEW AC CASES:

- 94-14 Montgomery County, Illinois v. John O'Brien
-
- 94-15 Sangamon County v. ESG Watts, Inc.
-
- 94-16 Sangamon County v. Leroy Donley and Donley, Inc.
-
- 94-17 EPA v. John Allsop
-
- 94-18 EPA v. Harold Molen
-

NEW ADJUSTED STANDARDS:

- 94-7 Rhone-Poulenc Basic Chemicals Company, Thorn Creek Basin Sanitary District (See Petitioner's Certificate of Publication from The Chicago Heights Star filed 3/11; Agency Response to the Adjusted Standard Petition filed 3/22) (RCF)
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MINUTES:

March 17, 1994 _____