

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF BOARD MEETING
MARCH 2, 1995 CHICAGO, ILLINOIS**

After calling the meeting to order, Board Member J. Theodore Meyer asked the Clerk for a roll call and all Board Members answered present save Chairman Claire A. Manning, who was ill, and Board Member Marili McFawn, who was absent.

Minutes of the February 23, 1995 Board Meeting were approved by a vote of 5-0.

In R95-4, -95-6, UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994) and RCRA Subtitle C Update, USEPA Regulations (July 1, 1994 through December 31, 1994), a Proposal for Public Comment, Proposed Opinion and Order were adopted by a vote of 5-0. (ED)

A provisional variance was granted in #95-66, Car Care Center v. IEPA, by a vote of 5-0. (RCF)

A provisional variance was granted in #95-67, Illinois Petroleum Marketers Association v. IEPA, by a vote of 5-0. (RCF)

A provisional variance was granted in #95-68, Oak Park and Madison 76 v. IEPA, by a vote of 5-0. (RCF)

A provisional variance was granted in #95-69, Runnfeltdt & Belmont v. IEPA, by a vote of 5-0. (RCF)

A provisional variance was granted in #95-70, S & S Enterprises v. IEPA, by a vote of 5-0. (RCF)

A provisional variance was granted in #95-71, Ted's Mini Mart v. IEPA, by a vote of 5-0. (RCF)

Because a petition for review was received, this Administrative Citation was accepted for hearing: #AC 95-8, Sangamon County v. ESG Watts, Inc..

An Order granting the Petitioners' motion to amend the petition for relief, granting the Agency's motion to file its response instanter, and advising the Agency that any amended response it may have to the Petitioners' amended petition should be filed with the Board on or before March 24, 1995, was adopted in #AS 94-8, Petition of Acme Steel Company and LTV Steel Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211, by a vote of 5-0. (ED)

An Order directing the parties to file a status report with the Board to be received by the Board no later than April 28, 1995, was adopted in #91-200, Borden Chemicals & Plastics Operating Limited

Partnership v. IEPA, by a vote of 5-0. (GTG)

An Order accepting the Petitioner's status report and directing the filing of a new status report on or before June 1, 1995 to be filed with the Board and the Hearing Officer, was adopted in #93-17, Phibro-Tech, Inc., formerly Southern California Chemical Company, a division of CP Chemicals, Inc. v. IEPA, by a vote of 5-0. (RCF)

An Order granting the motion to withdraw as counsel for the Petitioner, was adopted in #94-243, ESG Watts, Inc. v. IEPA, by a vote of 5-0. (JTM)

An Order granting the joint motion for Stay of the Proceedings until June 27, 1995, was adopted in #94-278, Reichhold Chemicals, Inc. v. IEPA, by a vote of 5-0. (RCF)

An Order granting the motion to withdraw as counsel for the Petitioner, was adopted in ##94-306, -307, -308, -309, ESG Watts, Inc. v. IEPA, by a vote of 5-0. (JTM)

ADDENDUM

An Order granting the Petitioner's motion for an extension of time until March 9, 1995, to file additional information regarding the several similar categories into which the listed sites in the matter would fall concerning their individual reasons for non-compliance, hardship, and prior efforts to achieve compliance with the Board and the Agency, and requesting the Agency to file the recommendation in the matter prior to the hearing being held, preferably on or before Tuesday, March 15, 1995, was adopted in #95-3, Illinois Petroleum Marketers Association v. IEPA, by a vote of 5-0. (RCF)

BACK TO REGULAR AGENDA

An Order granting the Petitioner's motion for dismissal of its petition, was adopted in #95-2, USA Waste Services, Inc. v. IEPA, by a vote of 5-0. (ED)

An Order granting the Agency's motion to file the Agency record instanter, was adopted in #95-11, Comerica Bank-Illinois v. IEPA, by a vote of 5-0. (RCF)

An Order granting the Petitioner's motion to voluntarily dismiss, was adopted in #95-53, Prairie Packaging, Inc. v. IEPA, by a vote of 5-0. (RCF)

An Order granting the Agency's motion to file the Agency record instanter, was adopted in #95-41, Kalo Gasoline Company v. IEPA, by a vote of 5-0. (RCF)

These new cases were accepted for hearing: ##95-64, People of the

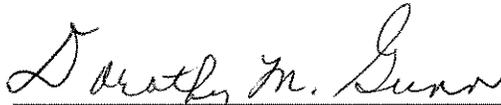
State of Illinois v. Donald Pointer, Mitchell Holder and Whiteway Sanitation, Inc.; 95-65, People of the State of Illinois v. Everett Allen, d/b/a Allen Waste Management, Everett Allen, d/b/a Perry County Landfill, Everett Allen, Inc..

An Order accepting the matter for hearing was adopted in new case #95-72, Burwell Oil Services, Inc., d/b/a Total G.B. Oil v. IEPA, by a vote of 5-0. (RCF)

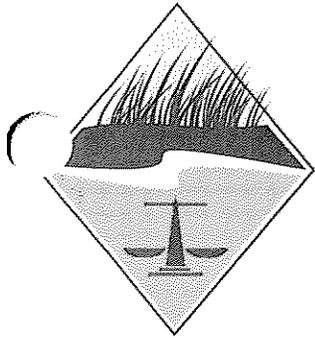
All other matters not disposed of as listed were ordered held.

There being no further business, a motion to adjourn by Board Member R.C. Flemal, seconded by Board Member G. Tanner Girard carried, and the meeting was adjourned at 11:20 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 16th day of March, 1995, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601
312-814-3620 ♦ Fax 312-814-3669

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 2, 1995 CHICAGO, ILLINOIS
CONFERENCE ROOM 11-512
11:00 A.M.**

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

PROCESS ORDER:

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marli McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge

95-3

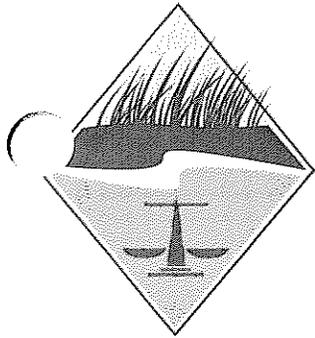
Illinois Petroleum Marketers Association
v. IEPA - Petitioner's Motion for
Extension of Time to file Additional
Information (3/1)(CAM)

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600 South Second Street
Suite 402
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815-753-1904
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ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS POLLUTION CONTROL BOARD FINAL AGENDA MARCH 2, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 11-512 11:00 A.M.

GOVERNOR
Honorable Jim Edgar

CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flamal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge

I. ADMINISTRATIVE MATTERS

Roll Call

Minutes

February 23, 1995

II. REGULATORY ACTIONS

R95-4) UIC Update, USEPA Regulations (July 1, 1994 through
R95-6) December 31, 1994) and RCRA Subtitle C Update, USEPA
Regulations (July 1, 1994 through December 31, 1994) -
Proposal for Public Comment Proposed Opinion and Order
(ED)

III. ADJUDICATORY ACTIONS

Provisional Variances

95-66 Car Care Center v. IEPA (CAM)

95-67 Illinois Petroleum Marketers Association v. IEPA (CAM)

95-68 Oak Park and Madison 76 v. IEPA (CAM)

SPRINGFIELD OFFICE
600 South Second Street
Suite 402
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SATELLITE OFFICES
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Fax 618-498-5934

148 North Third Street
P.O. Box 505
DeKalb, Illinois 60115
815-753-1904
Fax 815-753-1970



Provisional Variances (Cont'd)

95-69 Runnfeldt & Belmont v. IEPA (CAM)

95-70 S & S Enterprises v. IEPA (CAM)

95-71 Ted's Mini Mart v. IEPA (CAM)

IV. PROCESS ORDERS

AC 95-8 Sangamon County v. ESG Watts, Inc. (Accept for Hearing - No Order)

AS 94-2 Petition of Solar Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart PP - Agency Motion for Extension of Time (2/22), Motion for Co-Petitioner Status (2/28)(McF)

AS 94-8 Petition of Acme Steel Company and LTV Steel Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211 - Petitioners' Motion to Amend Petition for Relief (2/23)(ED)

AS 94-18 Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218 - Amended Petition in Response to January 11, 1995 Board Order (2/24)(JTM)

AS 95-2 Joint Petition of the Illinois Environmental Protection Agency and the City of Metropolis for an Adjusted Standard from Suspended Solids, BOD₅, and Ammonia Nitrogen Regulations 35 Ill. Adm. Code Part 304 - Petitioner's Certification of Publication (2/24)(JY)

91-200 Borden Chemicals & Plastics Operating Limited Partnership v. IEPA - Joint Status Report in Response to December 14, 1994 Board Order (2/28)(GTG)

PROCESS ORDERS (Cont'd)

- 92-99 A.B. Dick Company - Petitioner's Status Report in Response to December 14, 1994 Board Order (2/27)(CAM)
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- 93-17 Phibro-Tech, Inc., formerly Southern California Chemical Company, a division of CP Chemicals, Inc. v. IEPA - Petitioner's Status Report in Response to December 14, 1994 Board Order (3/1)(RCF)
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- 93-71 Indian Refining Company v. IEPA - Petitioner's Status Report in Response to December 14, 1994 Board Order (2/27)(GTG)
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- 94-243 ESG Watts, Inc. v. IEPA - Petitioner's Notice of Withdrawal of Appearance (2/27)(JTM)
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- 94-278 Reichhold Chemicals, Inc. v. IEPA - Joint Request for Stay of Proceedings (2/23)(CAM)
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- 94-287 Indian Refining Limited Partnership v. IEPA - Agency Motion to Extend Time to File Agency Recommendation (2/22)(McF)
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- 94-306) ESG Watts, Inc. v. IEPA - Petitioner's Notice of Withdrawal of
94-307) Appearance (2/27)(JTM)
94-308)
94-309)
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- 95-2 USA Waste Services, Inc. v. IEPA - Petitioner's Motion for Dismissal of Petition (2/23)(ED)
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- 95-11 Comerica Bank-Illinois v. IEPA - Agency Motion to File Record Instanter (2/24)(CAM)
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PROCESS ORDERS (Cont'd)

- 95-41 Kalo Gasoline Company v. IEPA - Agency Motion to File Record
Instanter (3/2)(CAM)
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- 95-53 Prairie Packaging, Inc. v. IEPA - Petitioner's Motion to Voluntarily
Dismiss (2/28)(CAM)
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- 95-63 Union Oil Company of California d/b/a Unocal Corporation v. IEPA
(Additional Information Order)(JY)
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- 95-64 People of the State of Illinois v. Donald Pointer, Mitchell Holder and
Whiteway Sanitation, Inc. (Set for Hearing - No Order)(CAM)
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- 95-65 People of the State of Illinois v. Everett Allen d/b/a Allen Waste
Management, Everett Allen d/b/a Perry County Landfill, Everett Allen,
Inc. (Set for Hearing - No Order)(RCF)
-
- 95-72 Burwell Oil Services, Inc., d/b/a Total G.B. Oil v. IEPA (Set for
Hearing Order)(RCF)
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- 95-73 Dennis Manarchy, Mary Beth Manarchy, Chris Mandoline, Beverly
Kagy-Mandoline Surrounding Neighbors v. The Gotham Nightclub JJJ
& Associates, Inc. (Hold for Duplicitous/Frivolous Determination - No
Order)(CAM)
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V. ADJOURNMENT

LIST OF NEW CASES FILED SINCE FEBRUARY 23, 1995 BOARD MEETING

- 95-63 Union Oil Company of California d/b/a Unocal Corporation v. IEPA
- 95-64 People of the State of Illinois v. Donald Pointer, Mitchell Holder and Whiteway Sanitation, Inc.
- 95-65 People of the State of Illinois v. Everett Allen d/b/a Allen Waste Management, Everett Allen d/b/a Perry County Landfill, Everett Allen, Inc.
- 95-66 Car Care Center v. IEPA
- 95-67 Illinois Petroleum Marketers Association v. IEPA
- 95-68 Oak Park and Madison 76 v. IEPA
- 95-69 Runnfeldt & Belmont v. IEPA
- 95-70 S & S Enterprises v. IEPA
- 95-71 Ted's Mini Mart v. IEPA
- 95-72 Burwell Oil Services, Inc. d/b/a Total G.B. Oil v. IEPA
- 95-73 Dennis Manarchy, Mary Beth Manarchy, Chris Mandoline, Beverly Kagy-Mandoline Surrounding Neighbors v. The Gotham Nightclub JJJ & Associates, Inc.

REGULAR BOARD MEETING SCHEDULE

March 16	April 20
May 18	June 15