

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF BOARD MEETING  
APRIL 13, 1995 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning introduced and welcomed her daughter Ann to the meeting. Thereafter, the Clerk was asked for a roll call and all members answered present except for Dr. R.C. Flemal who was absent due to illness.

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##95-18, Sangamon County v. ESG Watts, Inc.; 95-19, People of the County of Will v. CDT Landfill Corporation; 95-21, Sangamon County v. ESG Watts, Inc..

This Administrative Citation was accepted by the Board: ##95-27, IEPA v. Browning-Ferris Industries, Inc..

An Order granting the Agency's motion for an extension of time until April 14, 1995 to respond to the complainants' motion to strike the Agency's Section 30 Investigation Report, was adopted in #94-240, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974, and Citizens For A Better Environment v. Caterpillar, Inc. and IEPA, Party-in-Interest, by a vote of 6-0. (CAM)

An Order granting the petitioner's motion for an extension of time until May 15, 1995 to file an amended petition, was adopted in #95-63, The Union Oil Company of California, d/b/a Unocal v. IEPA, by a vote of 6-0. (JY)

An Order granting the Agency's motion for an extension of time until April 18, 1995 to respond to the Petitioner's motion for summary judgment, was adopted in ##95-75, -76, Medical Disposal Services v. IEPA, by a vote of 6-0. (McF)

An Order granting the Agency's motion for an extension of time until May 15, 1995 to file the Agency recommendation was adopted in #95-97, Town & Country Gas & Food Mart, Inc. v. IEPA, by a vote of 6-0. (ED)

An Order granting the Agency's motion to file the record instanter, was adopted in #95-116, Kelley-Williamson Company v. IEPA, by a vote of 6-0. (CAM)

An Order lifting the stay and directing the matter to hearing, was adopted in #AS 91-8, Petition of Reynolds Metal Company for an Adjusted Standard from 35 Ill. Adm. Code 218.980, by a vote of 6-0. (CAM)

An Order accepting the amended petition and directing that the matter proceed to hearing in accordance with the Board's march 16 1995 Order, was adopted in #AS 94-20, Petition of the Galesburg

Sanitary District, Galesburg, Illinois, for an Adjusted Standard from 35 Ill. Adm. Code Part 304.105 Ammonia Nitrogen, by a vote of 6-0. (JY)

An Order granting the motion to incorporate and waiver of the filing requirements, incorporating Exhibits A through V to the petition from AS 94-17 into AS 95-2, and accepting the petition for hearing, was adopted in #AS 95-3, Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD<sub>5</sub>) and Ammonia Nitrogen, by a vote of 6-0. (JY)

An Order directing the parties to file status reports or a joint status report on or before May 19, 1995, unless the case is otherwise resolved or dismissed, was adopted in #91-38, American Waste Processing, Ltd. v. IEPA, by a vote of 6-0. (ED)

An Order directing the petitioner to file status reports within 90 and 180 day intervals of the date of the Order which shall include a synopsis of the activity in the case, and an estimated time when the case might be resolved, and directing that all future status reports to be filed at the direction of the hearing officer, was adopted in #94-374, Eagle Ridge Inn and Resort (The Branigar Organization) v. IEPA, by a vote of 6-0. (JTM)

An Objection file in #95-90, Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. IEPA, will be considered in final deliberation of the case.

No action was taken on the petitioner's amended petition filed in #95-103, Polyfoam Packers Corporation v. IEPA.

An Order accepting the matter for hearing was adopted in #95-126, Excel Corporation v. IEPA, by a vote of 6-0.

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event the petitioner fails to file an appeal on or before July 10, 1995, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #95-127, Meyer Steel Drum, Inc. v. IEPA, by a vote of 6-0.

The meeting was recessed and will reconvene at 11:00 a.m..

#### 11:00 A.M. SESSION

Chairman Manning reconvened the meeting at 11:15 a.m.

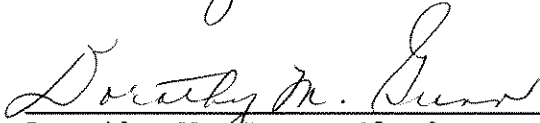
Joe D'Alessandro discussed budget matters and the Board's caseload.

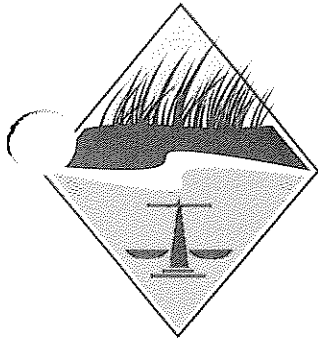
Thereafter, John Cross gave an update on pending legislative matters.

Chairman Manning and other members of the Board and office staff, wished Board member J. Theodore Meyer a happy birthday.

There being no further business, the meeting was adjourned at 12:05 p.m..

I, Dorothy M. Gunn, hereby certify that the above Minutes were approved this 4<sup>th</sup> day of May, 1995, by a vote of 6-0.

  
\_\_\_\_\_  
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

## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

Claire A. Manning  
Springfield

## MEMBERS

Emmett E. Dunham II  
Elmhurst

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Manli McFawn  
Palatine

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



## SPRINGFIELD OFFICE

600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
217-524-8500  
Fax 217-524-8508

## SATELLITE OFFICES

110 South State  
Jerseyville, Illinois 62052  
618-498-9802  
Fax 618-498-5934

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



PRINTED ON RECYCLED PAPER

## FINAL AGENDA APRIL 13, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 11-512 10:30 A.M.

### Announcements

*The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.*

*Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.*

### Roll Call

## ADMINISTRATIVE CITATIONS

AC 95-18 Sangamon County v. ESG Watts, Inc. - Accept for Hearing  
- No Order

---

AC 95-19 People of the County of Will v. CDT Landfill Corporation -  
Accept for Hearing - No Order

---

AC 95-21 Sangamon County v. ESG Watts, Inc. - Accept for Hearing  
- No Order

---

**ADMINISTRATIVE CITATIONS (Cont'd)**

AC 95-27     IEPA v. Browning-Ferris Industries, Inc. - Accept Case - No Order

---

**MOTIONS**

94-240     International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974, and Citizens For A Better Environment v. Caterpillar, Inc. and IEPA, Party-in-Interest - Agency's Motion for Extension of Time to Respond to Complainants' Motion to Strike the Agency's Section 30 Investigation Report (4/7)(CAM)

---

95-63     Union Oil Company of California, d/b/a Unocal Corporation v. IEPA - Petitioner's Motion for Extension of Time to file Amended Petition (4/7)(JY)

---

95-75)     Medical Disposal Services, Inc. - Respondent's Motion For  
95-76)     Extension of Time (4/11)(McF)

---

95-97     Town & Country Gas & Food Mart, Inc. v. IEPA - Agency Motion for Extension of Time in which to File Recommendation (4/10)(ED)

---

95-116     Kelley-Williamson Company v. IEPA - Agency Motion to File Record Instantly (4/12)(CAM)

---

**CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS**

AS 91-8     Petition of Reynolds Metals Company for an Adjusted Standard from 35 Ill. Adm. Code 218.980 - Petitioner's Status Report (3/22)(CAM)

---

**CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING  
ORDERS OR MATTERS (Cont'd)**

AS 94-20     Petition of the Galesburg Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 304.105 Ammonia Nitrogen - Amended Petition (4/6)(JY)

---

AS 95-3     Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD<sub>5</sub>) and Ammonia - Motion to Incorporate Prior Proceedings and Motion for Waiver of Filing Requirements (3/23), Certificate of Publication (4/10)(JY)

---

91-38     American Waste Processing, Ltd. v. IEPA - Petitioner's Status Report in Response to February 2, 1995 Board Order (4/11)(ED)

---

94-374     Eagle Ridge Inn and Resort (The Branigar Organization) v. IEPA - Status Report Order (JTM)

---

95-90     Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. IEPA - Objection (4/10) - No Order Needed (CAM)

---

95-103     Polyfoam Packers Corporation v. IEPA - Amended Petition (4/6)(ED)

---

95-126     Excel Corporation v. IEPA - Accept for Hearing Order

---

95-127     Meyer Steel Drum, Inc. v. IEPA - 90 Day Extension Order (See also Agency Letter to grant extension filed 4/11)

---

**ADJOURNMENT**

**LIST OF NEW CASES FILED SINCE APRIL 6, 1995 BOARD MEETING**

AC 95-27      IEPA v. Browning-Ferris Industries, Inc.

95-126        Excel Corporation v. IEPA

95-127        Meyer Steel Drum, Inc. v. IEPA

**REGULAR BOARD MEETING SCHEDULE**

**April 20                  June 1\***

**May 4\*                  June 15**

**May 18**

**\*Denotes additional meetings**