

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF THE REGULAR BOARD MEETING JANUARY 18, 1996 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call, and all Board Members answered present.

Minutes of the January 4, 1996 Board Meeting were approved by a vote of 7-0.

An Order granting the petitioner's motion to dismiss, was adopted in R81-19, Proposed Site-Specific Water Pollution Rules and Regulations Applicable to Citizens Utilities Company of Illinois' Discharge to Lily Cache Creek, by a vote of 7-0. (CAM)

ADDENDUM

An Order denying the petitioner's motion as moot, was adopted in #85-95, Citizens Utilities Company of Illinois v. IEPA, by a vote of 7-0. (CAM)

AGENDA

An Order granting the petitioner's motion for extension of stay until April 15, 1996, and directing the parties to file status reports, either jointly or separately, no later than April 15, 1996, was adopted in #AS 94-5, Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218, Subpart RR, by a vote of 7-0. (JTM)

An Order granting the petitioner's motion for expedited consideration as much as practicable given the Board's time and resources, and granting the petitioner's motion for withdrawal of its motion for stay, was adopted in #AS 96-3, Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B, by a vote of 7-0. (RCF)

ADDENDUM

A Repealed Rule, Final Order, Opinion and Order was adopted in R96-14, Illinois Pollution Control Board Administrative Rules: Organization, Public Information and Proceedings (2 Ill. Adm. Code 2175.100 et seq.), by a vote of 7-0. (CAM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R96-15, Illinois Pollution Control Board Administrative Rules: Organization, Public Information and Proceedings, by a vote of 7-0. (CAM)

An Opinion and Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$25,000.00, was adopted in #94-274, People of the State of Illinois v. Chicago Steel Rule Die & Fabricators Company, by a vote of 7-0. **(McF)**

AGENDA

An Order granting the Agency's motion to dismiss, vacating the December 20, 1995 Default Order and closing the docket, was adopted in #AC 96-20, IEPA v. James O. Weir, by a vote of 7-0. **(JTM)**

A Default Order was adopted in #AC 96-26, IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling, by a vote of 7-0.

A Default Order was adopted in #AC 96-27, IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling, by a vote of 7-0.

Because a petition for review was received, a hearing will be set in #AC 96-28, County of DuPage v. Joseph F. Cantore.

This Administrative Citation was accepted by the Board: #96-33, IEPA v. Stanley Thompson.

An Order granting the petitioner's motion to withdraw its permit appeal, was adopted in #91-208, Ashland Chemical, Inc. v. IEPA, by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion for stay of the proceedings until May 3, 1996, instructing the parties to file a status report on March 8, 1996, and directing the parties to file future status reports and extensions for stay of the proceedings to the assigned hearing officer in the matter, was adopted in #94-391, America's Carwash-HP, Inc. v. IEPA, by a vote of 7-0. **(JY)**

An Order granting the petitioner's motion for stay of the proceedings until May 1, 1996, was adopted in #95-78, Vogue Tyre & Rubber Company v. Office of the State Fire Marshal, by a vote of 7-0. **(GTG)**

An Order granting the Agency's motion to file the record instantler, was adopted in ##95-119, -125, West Suburban Recycling and Energy Center, L.P. v. IEPA, by a vote of 7-0. **(RCF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from hearing requirement, was adopted in #95-124, People of the State of Illinois v. Lebanon Chemical Corporation, by a vote of 7-0. **(GTG)**

An Order granting the complainant's motion for voluntary dismissal without prejudice, was adopted in #95-165, Richard Buri v. Batavia Concrete, Inc., by a vote of 7-0.
(GTG)

An Order granting the petitioner's motion for stay of the proceedings until May 1, 1996, was adopted in #96-10, Vogue Tyre & Rubber Company v. IEPA, by a vote of 7-0.
(GTG)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties motion to request relief from hearing requirement, was adopted in #96-32, People of the State of Illinois v. Harper-Wyman Company, by a vote of 7-0.
(ED)

An Order denying the petitioner's motion for stay, was adopted in #96-108, Allied Tube & Conduit Corporation v. IEPA, by a vote of 7-0. **(McF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties agreed motion to request relief from hearing requirement, was adopted in #96-127, People of the State of Illinois v. Dynaweld, Inc., by a vote of 7-0.
(RCF)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties agreed motion to request relief from hearing requirement, was adopted in #96-153, People of the State of Illinois v. MP Melrose Park Associates, Ltd., by a vote of 7-0.

An Order dismissing the docket as unnecessary, was adopted in #96-100, Florida Plastics International, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

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 that the petitioner fails to file an appeal on or before February 27, 1996, 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 #96-152, Burlington Northern Railroad v. IEPA, by a vote of 7-0. **(CAM)**

This case was held for an Agency recommendation: #96-154, Village of Oswego v. IEPA.

An Order accepting the matters for hearing, and consolidating the matters for hearing in the interest of administrative economy, was adopted in ##96-155, - 156, West Suburban Recycling and Energy Center, L.P. v. IEPA, by a vote of 7-0.

A mandatory hearing will be held in #96-157, People of the State of Illinois v. City of Toluca.

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 that the petitioner fails to file an appeal on or before March 5, 1996, 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 #96-158, Frederick Cooper Lamps, Inc. v. IEPA, by a vote of 7-0. (CAM)

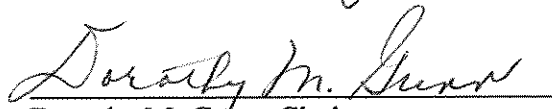
A provisional variance was granted in #96-159, General Electric Company, Inc. v. IEPA, by a vote of 7-0. (CAM)

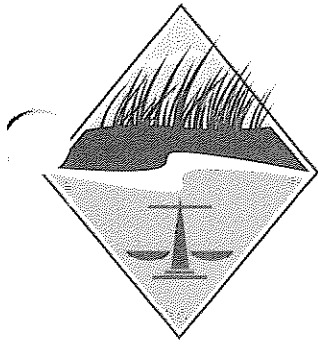
These cases were discussed and held for further discussion or possible decision: R95-14, Petition of the Metropolitan Water Reclamation District of Greater Chicago for Site-Specific Water Quality Regulation: Amendments to 35 Ill. Adm. Code 302, 303 and 304, Adopted Rule, Final Order, Opinion and Order; R96-2, 15% ROP Plan: Clean-up Part I - Amendments to 35 Ill. Adm. Code 219.585(a) and 219.Appendix E, Adopted Rule, Final Order, Opinion and Order; 93-179, IBP, Inc. v. IEPA; 96-113, Wynstone Property Owners' Association v. IEPA.

All other matters not disposed of as listed were held.

There being no further business the meeting was adjourned at 11:00 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 1st day of February, 1996, by a vote of 7-0.


 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

REGULAR MEETING AGENDA JANUARY 18, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-041 10:30 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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ADDENDUM

REGULATIONS AND ADJUSTED STANDARDS

R96-14 Illinois Pollution Control Board Administrative Rules:
Organization, Public Information and Proceedings (2 Ill.
Adm. Code 2175.100 et seq.) - Repealed Rule, Final Order,
Opinion and Order (CAM)

R96-15 Illinois Pollution Control Board Administrative Rules:
Organization, Public Information and Proceedings - Adopted
Rule, Final Order, Opinion and Order (CAM)

DECISIONS

94-274 People of the State of Illinois v. Chicago Steel Rule Die &
Fabricators Company - Stipulation (McF)

MOTIONS

85-95 Citizens Utilities Company of Illinois v. IEPA - Petitioner's
Motion to Dismiss (1/12)(CAM)

92-99 A.B. Dick Company v. IEPA - Petitioner's Emergency
Motion to Defer Consideration of Pending Motion for
Summary Judgment (1/17)(CAM)

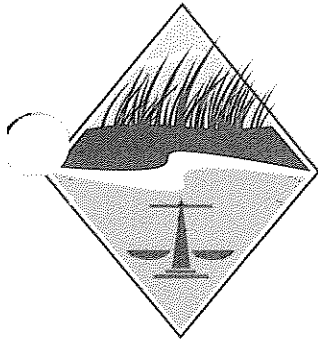
MOTIONS (Cont'd)

95-150 Marathon Oil Company v. IEPA - Agency's Motion to Reschedule
Hearing and Request for Expedited Ruling (1/16)(JY)

96-76 People of the State of Illinois v. Chemetco, Inc. - Complainant's
Response to Respondent's Memorandum of Law (1/17)(CAM)

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

96-117 LaSalle National Trust, N.A., as Trustee under trust No. 34565 v.
Standard Bank and Trust Company, as Trustee under Trust No. 14929,
and Capitol Bank and Trust, as Trustee under Trust No. 2421 -
Respondent Capitol Bank and Trust' Motion for Leave to File Reply in
Support of its Motion to Dismiss and its Reply in Support of its Motion
to Dismiss (1/16)(GTG)



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AGENDA JANUARY 18, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 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

Minutes

January 4, 1996

REGULATIONS AND ADJUSTED STANDARDS

R81-19 Proposed Site-Specific Water Pollution Rules and Regulations Applicable to Citizens Utilities Company of Illinois' Discharge to Lily Cache Creek - Petitioner's Motion to Dismiss (1/12)(CAM)

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 94-5 Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218, Subpart RR - Joint Status Report in Response to November 16, 1995 Board Order and Request for Extension of Stay (1/12)(JTM)

AS 96-3 Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B - Petitioner's Motion for Expedited Consideration and Withdrawal of Motion for Stay (12/5)(RCF)

AS 96-6 Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code Subpart D - Hold for Certificate of Publication (McF)

DECISIONS

None

ADMINISTRATIVE CITATIONS

AC 95-43 Montgomery County, Illinois v. Clifford Crispens, Jacqueline R. Crispens and Line Pilot Bungee, Inc. - Interim Opinion and Order (JTM)

AC 96-20 IEPA v. James O. Weir - Respondent's Motion to Vacate December 20, 1995 Default Order (12/29), Agency Motion to Dismiss Administrative Citation (1/10)(JTM)

AC 96-26 IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling - Default Order

AC 96-27 IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling - Default Order

ADMINISTRATIVE CITATIONS (Cont'd)

AC 96-28 County of DuPage v. Joseph F. Cantore - Accept for Hearing - No Order

AC 96-33 IEPA v. Stanley Thompson - Accept Case - No Order

MOTIONS

91-208 Ashland Chemical, Inc. v. IEPA - Petitioner's Motion to Withdraw Appeal (1/12)(ED)

92-99 A.B. Dick Company v. IEPA - Petitioner's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (12/26)(CAM)

93-191 People of the State of Illinois v. Lloyd Weimann, d/b/a Weimann Ice and Fuel - Complainant's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (10/6), Respondent's Motion for Leave to Join Additional Parties (10/30), Respondent's Response to Complainant's Motion for Summary Judgment and Respondent's Cross-Motion for Summary Judgment and Memorandum in Support of Response to Complainant's Motion for Summary Judgment and Respondent's Cross-Motion for Summary Judgment (12/18), Complainant's Motion for Leave to File Instant Response to Cross-Motion for Summary Judgment (1/9)(CAM)

94-19) Michael Turlek, Lillian Smejkal and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc. -
94-21) Village of Summit's Motion for Return of Original Record (1/12)
94-22) (McF)

94-391 America's Carwash-HP, Inc. v. IEPA - Petitioner's Motion for Stay of Proceedings (1/5)(JY)

MOTIONS (Cont'd)

95-78 Vogue Tyre & Rubber Company v. Office of the State Fire Marshal -
Petitioner's Motion for Stay (1/2)(GTG)

95-91 People of the State of Illinois v. Bell Sports, Inc., Waste Hauling
Landfill, Inc. and Waste Hauling, Inc. - Bell Sports' Motion to
Reconsider Denial of the Motion to Dismiss the Cross-Claim of Waste
Hauling Landfill, Inc. and Waste Hauling, Inc. (1/11)(CAM)

95-119) West Suburban Recycling and Energy Center, L.P. v. IEPA - Agency
95-125) Motion to File Record Instanter (1/11)(RCF)

95-122 Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer
and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J. Fetzer,
individually, Amoco Oil Company, Mobil Oil Corporation -
Respondent Amoco Oil Company's Emergency Motion for
Interlocutory Review of Hearing Officer's Ruling on its Request to
Respondent Oberweis for Admission of Facts (12/22), Respondent
Oberweis Dairy's Motion to Deny Amoco Oil's Emergency Motion for
Interlocutory Review of Hearing officer's Ruling and Response to
Amoco Oil's Emergency Motion for Interlocutory Review of Hearing
Officer's Ruling (12/29), Respondent Amoco Oil Company's Response
to Motion to Deny Interlocutory Appeal (1/9), Respondent Amoco Oil
Company's Motion for Leave to File Instanter Amoco's Reply to
Oberweis' Response to Amoco's Emergency Motion for Interlocutory
Review (1/9)(CAM)

95-124 People of the State of Illinois v. Lebanon Chemical Corporation -
Agreed Motion to Request Relief from Hearing Requirement (1/16)
(GTG)

95-156 Harris Marcus Group, Inc. v. IEPA - Agency Motion for Expedited
Hearing and Expedited Board Decision (1/10)(GTG)

MOTIONS (Cont'd)

95-162 Larry Slates, Lonnie Seymour, James Klaber, Faye Mott, and Hoopeston Community Memorial Hospital v. Illinois Landfills, Inc. and Hoopeston City Council on behalf of the City of Hoopeston - Petitioners' Withdrawal of Objection to Variance Issue (12/18)(GTG)

95-165 Richard Buri v. Batavia Concrete, Inc. - Complainant's Motion for Voluntary Dismissal Without Prejudice (1/8)(GTG)

96-10 Vogue Tyre & Rubber Company v. IEPA - Petitioner's Motion for Stay (1/2)(GTG)

96-32 People of the State of Illinois v. Harper-Wyman Company - Complainant's Motion to Request Relief from the Hearing Requirement (1/8)(ED)

96-75 People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company - Complainant's Motion for Summary Judgment (1/2)(GTG)

96-76 People of the State of Illinois v. Chemetco, Inc. - Respondent's Motion to Dismiss (10/20), Complainant's Response to Respondent's Motion to Dismiss (10/27), Respondent's Request for an Extension of Time to File an Answer if the Motion to Dismiss is Denied (11/7), Respondent's Request for Oral Argument (11/7), Respondent's Reply Memorandum in Support of Respondent's Motion to Dismiss (11/15), Complainant's Motion to Strike Respondent's Reply Memorandum (11/21), Respondent's Memorandum of Law in Support of Respondent's Motion to Dismiss (12/29)(CAM)

MOTIONS (Cont'd)

96-85 The County of Kane, Illinois and Waste Management of Illinois, Inc v. IEPA - Agency Record and Agency Motion to File Record Instanter (11/20), Petitioners' Motion for Summary Judgment and Memorandum of Law in Support of Petitioners' Motion for Summary Judgment (12/1), Agency Motion for Summary Judgment (12/4), Agency Response to Petitioners' Motion for Summary Judgment (12/8), The City of Geneva's Motion for Review of Hearing Officer's Ruling and Response to Motions for Summary Judgment (12/8), Petitioners' Response to Agency's Motion for Summary Judgment and Memorandum of Law in Support of Petitioners' Response to Agency's Motion for Summary Judgment (12/11), Petitioners' Response to City of Geneva's Motion for Review of Hearing Officer's Ruling (12/20), Petitioners' Motion for Leave Instanter to File Reply to City of Geneva's Amicus Curie Response and Petitioners' Reply to City of Geneva's Amicus Curie Response (12/20), City of Geneva's Motions and Responses Regarding Various Procedural Matters (12/21)(CAM)

96-108 Allied Tube & Conduit Corporation v. IEPA - Petitioner's Motion for Stay (See end of paragraph 1, page 1 of the Petition filed 11/16)(McF)

96-127 People of the State of Illinois v. Dynaweld, Inc. - Agreed Motion to Request Relief from the Hearing Requirement (1/8)(RCF)

96-140 Nunda Water Utility Company, Inc. v. IEPA - Agency Motion to Dismiss (1/11)(RCF)

96-153 People of the State of Illinois v. MP Melrose Park Associates, Ltd. - Complainant's Motion to Request Relief from Hearing Requirement (1/8)

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

- 96-100 Florida Plastics International, Inc. v. IEPA - Dismissal Order (CAM)
-
- 96-117 LaSalle National Trust, N.A., as Trustee under Trust No. 34565 v. Standard Bank and Trust Company, as Trustee under Trust No. 14929, and Capitol Bank and Trust, as Trustee under Trust No. 2421 - Duplicitous/Frivolous Determination (See Respondent Capitol Bank and Trust' Motion to Dismiss filed 12/28; Complainant's Response to Respondent Capitol Bank and Trust's Motion to Dismiss filed 1/8)(GTG)
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- 96-151 Keith F. Boyer v. Felicia Harris - Duplicitous/Frivolous Determination (McF)
-
- 96-152 Burlington Northern Railroad v. IEPA - Joint Request for 90-Day Extension of Appeal Period (1/5)(CAM)
-
- 96-154 Village of Oswego v. IEPA - Hold for Agency Recommendation - No Order
-
- 96-155 West Suburban Recycling and Energy Center, L.P. v. IEPA - Accept for Hearing Order
-
- 96-156 West Suburban Recycling and Energy Center, L.P. v. IEPA - Accept for Hearing Order
-
- 96-157 People of the State of Illinois v. City of Toluca - Hearing Mandatory - No Order
-

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

96-158 Frederick Cooper Lamps, Inc. v. IEPA - Joint Request for 90-Day
Extension of Appeal Period (1/10)(CAM)

96-159 General Electric Company, Inc. v. IEPA - Provisional Variance (CAM)

CASES PENDING DECISION

R95-14 Petition of the Metropolitan Water Reclamation District of Greater
Chicago for Site-Specific Water Quality Regulation: Amendments to
35 Ill. Adm. Code 302, 303 and 304 - Adopted Rule, Final Order,
Opinion and Order (RCF)

R96-2 15% ROP Plan: Clean-up Part I - Amendments to 35 Ill. Adm. Code
219.585(a) and 219.Appendix E - Adopted Rule, Final Order, Opinion
and Order (RCF)

93-179 IBP, Inc. v. IEPA (GTG)(open waiver)

96-113 Wynstone Property Owners' Association v. IEPA (RCF)(due 3/21)

ADJOURNMENT

LIST OF NEW CASES FILED SINCE JANUARY 4, 1996 BOARD MEETING

- AC 96-33 IEPA v. Stanley Thompson
- 96-152 Burlington Northern Railroad v. IEPA
- 96-153 People of the State of Illinois v. MP Melrose Park Associates, Ltd.
- 96-154 Village of Oswego v. IEPA
- 96-155 West Suburban Recycling and Energy Center, L.P. v. IEPA
- 96-156 West Suburban Recycling and Energy Center, L.P. v. IEPA
- 96-157 People of the State of Illinois v. City of Toluca
- 96-158 Frederick Cooper Lamps, Inc. v. IEPA
- 96-159 General Electric Company, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF FY 96

February 1
February 15

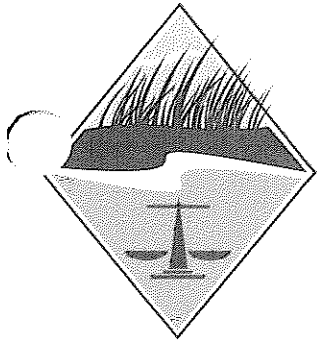
March 7
March 21

April 4
April 18

May 2
May 16

June 6
June 20

NOTE: All Board Meetings will be held in Conference Room 9-040



ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601
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GOVERNOR
Honorable Jim Edgar

NOTICE OF EXECUTIVE SESSION

◆
CHAIRMAN
Claire A. Manning
Springfield

**PUBLIC NOTICE IS HEREBY GIVEN that the Illinois
Pollution Control Board will meet in an Executive
Session at 10:00 a.m. on Wednesday, January 10,
1996 in Suite 402, 600 S. Second Street,
Springfield, Illinois.**

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Fiemal
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge

Claire A. Manning
Claire A. Manning
Chairman

◆
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Posted and Circulated January 8, 1996

