

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING DECEMBER 5, 1996 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and announced the reappointment of Dr. Ronald C. Flemal to the Board and the Senate confirmation of newly appointed Board Member Kathleen M. Hennessey. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the November 21, 1996 Board Meeting were approved by a vote of 7-0.

In R97-13, Emission Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Am. Code 106, an Order granting the Agency's motions for waiver of certain filing requirements and for expedited review consistent with the Board's resources and the large number of deadline driven regulatory proceedings that are currently being processed, and accepting the proposal for hearing, was adopted by a vote of 7-0. (JY)

In R97-15, Livestock Waste Regulations, 35 Ill. Adm. Code 506, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)(CAM)(GTG)

In R97-16, Proportionate Share Liability, an Order opening the docket so that interested parties may file comments/proposals/recommendations with the Board until 4:30 p.m. March 31, 1997, was adopted by a vote of 7-0. (CAM)(KMH)(McF)

An Order granting the Agency's motion for an extension of time until 21 days after the petitioner files an amended petition to file its response, directing the petitioner to notify the Board if it does not intend to file an amended petition, advising the Agency that if the petitioner notifies the Board that it does not intend to file an amended petition, the Agency has 21 days from the date the petitioner notifies the Board to file its response, and noting that all future requests for extension of time should be directed to the hearing officer and filed with the Board, was adopted in #AS 97-3, Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, by a vote of 7-0. (JY)

An Order finding that the respondent violated Section 21(p)(4) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-30, County of Will v. James Henke, by a vote of 7-0. (CAM)

An Order finding that the respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-31, County of Vermilion v. Emery Johnson, by a vote of 7-0. (CAM)

An Order finding that the respondent violated Sections 21(p)(1) and 21(p)(6) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-32, County of Will v. Vito Caprio, by a vote of 7-0. **(CAM)**

An Order finding that the respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-33, County of Macon v. David Scott, by a vote of 7-0. **(CAM)**

This Administrative Citation was accepted by the Board: #97-43, County of Jackson v. James Qualls.

An Order granting the Complainant's motion for leave to amend the complaint, was adopted in #94-373, People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc., by a vote of 7-0. **(McF)**

An Order granting the respondent's motion to file instanter a partial stipulation and proposal for settlement and an agreed motion to request relief from hearing requirement, and directing the Clerk of the Board to cause publication of the parties' request for relief from the hearing requirement, was adopted in #95-163, People of the State of Illinois v. Clark Refining and Marketing, Inc., by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order denying the respondents' motion for reconsideration, granting the respondents' motion for clarification of the Board's August 1, 1996 order, and advising the respondents that if they intend to file an answer to all allegations in the amended complaint, such answer is to be filed on or before December 23, 1996, to insure that the matter expeditiously proceeds to hearing, was adopted in #96-143, People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Grain Fertilizer, and Caryle Michel, by a vote of 6-0. Board Member K.M. Hennessey abstained and Board Member M. McFawn concurred. **(CAM)**

An Order granting the joint motion to stay the proceedings until February 3, 1997, to allow further negotiation of the currently pending stipulation and proposal for settlement, was adopted in #96-147, People of the State of Illinois v. Illinois Cement Company, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

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 #96-260, People of the State of Illinois v. Pipe and Piling Supplies (U.S.A.), Ltd., by a vote of 7-0. **(GTG)**

An Order accepting the petitioner's amended petition for hearing, and directing the petitioner to submit to the Board and the Illinois Environmental Protection Agency, within 14 days of the date of the entry of the entry of the Order, an estimate of the VOM emissions level at the proposed production rate of 800 pallets per month, was adopted in #97-58, W.R. Meadows, Inc. v. IEPA, by a vote of 7-0. **(McF)**

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 January 21, 1997, 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 #97-91, Land and Lakes Company v. IEPA, by a vote of 7-0. (CAM)

Mandatory hearings will be held in these cases: ##97-92, People of the State of Illinois v. Victory G. Heuermann; 97-93, People of the State of Illinois v. Ashland, Inc., 97-95, People of the State of Illinois v. City of Sterling.

An Order accepting the matter for hearing, was adopted in #97-96, Shell Oil Company 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 January 21, 1997, 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 #97-97, OK Service Center v. IEPA, by a vote of 7-0. (CAM)

These cases were discussed and held for further discussion or possible decision: ##96-184, J.M. Sweeney Company v. IEPA; 97-39, City of Moline v. IEPA..

ADDENDUM

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 #96-157, People of the State of Illinois v. City of Toluca, by a vote of 6-0. Board Member K.M. Hennessey abstained. (JY)

An order accepting the matter for hearing, was adopted in #97-76, Regent Investment Corporation v. IEPA, by a vote of 7-0. (CAM)

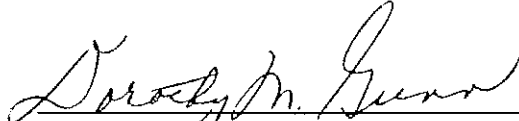
A provisional variance was granted in #97-98, City of Belleville v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. (CAM)

This regulatory matter was discussed and held for further discussion or possible decision: R96-4, Listing of Federal Hazardous Air Pollutants, Great Lakes Commissions Toxic Compounds and Great Waters Program Toxic Air Compounds and Source Reporting for Illinois Toxic Air Contaminants: Amendments to 35 Ill. Adm. Code 232, Proposed Rule, Second Notice, Opinion and Order.

All other matters not disposed of as listed were held.

Motioned and seconded, by a vote of 7-0, the meeting was adjourned at 11:07 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of December, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 321-814-3669

GOVERNOR

Honorable Jim Edgar

CHAIRMAN

Claire A. Manning
Springfield

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DeKalb

G. Tanner Girard
Grafton

Cathleen M. Hennessey
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REGULAR BOARD MEETING AGENDA DECEMBER 5, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

ADDENDUM

MOTIONS

96-157 People of the State of Illinois v. City of Toluca - (JY)
W-E Agreed Motion to Request Relief from Hearing
Requirement (12/3)

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

97-76 Regent Investment Corporation v. IEPA - (CAM)
UST- Accept for Hearing Order
Appeal

97-98 City of Belleville v. IEPA - Provisional (CAM)
W-V Variance

CASES PENDING DECISION

R96-4 Listing of Federal Hazardous Air Pollutants, (JY)
Air Great Lakes Commissions Toxic Compounds
and Great Waters Program Toxic Air
Compounds and Source Reporting for Illinois
Toxic Air Contaminants: Amendments to 35 Ill.
Adm. Code 232 - Proposed Rule, Second
Notice, Opinion and Order

ILLINOIS POLLUTION CONTROL BOARD

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Kathleen M. Hennessey
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Marili McFawn
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AGENDA

DECEMBER 5, 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

November 21, 1996

REGULATIONS AND ADJUSTED STANDARDS

R96-17 Air	<u>Exemptions from State Permit Requirements, Amendments to 35 Ill. Adm. Code 201 and 211</u> - Proposed Rule, First Notice, Opinion and Order	(GTG)
R97-13 R, Air	<u>Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Adm. Code 106</u> - (See Agency Motion for Acceptance of Proposal and Motion for Incorporation by Reference filed 10/7) - Order	(JY) (McF) (KMH)
R97-15 R, Land	<u>Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> - Proposed Rule, First Notice, Opinion and Order	(RCF) (CAM) (GTG)
R97-16 Land	<u>Proportionate Share Liability</u> - Order	(CAM) (McF) (KMH)
AS 97-3 Land, RCRA	<u>Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u> - Agency's Second Motion for Extension of Time to File Agency Response (12/2)	(JY)

DECISIONS

95-156 A-V	<u>Harris Marcus Group, Inc. v. IEPA</u> (due 12/12)	(KMH)
97-29 L-S-R, 3rd Party	<u>Citizens Opposed to Additional Landfills and Harvey C. Pitt individually and as a Member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex, a/k/a Gere Properties, Inc., and the Perry County Board of Commissions</u> (due 12/7)	(JY)

ADMINISTRATIVE CITATIONS

AC 97-30 County of Will v. James Henke - Default Order

AC 97-31 Vermilion County v. Emery Johnson - Default Order

AC 97-32 County of Will v. Vito Caprio - Default Order

AC 97-33 Macon County v. David Scott - Default Order

AC 97-43 County of Jackson v. James Qualls - Accept Case - No Order

MOTIONS

94-373 People of the State of Illinois v. Wayne Berger and Berger (McF)
L-E Waste Management, Inc. - Complainant's Motion for Leave to
File First Amended Complaint and First Amended Complaint
(11/7)

95-163 People of the State of Illinois v. Clark Refining & Marketing, (CAM)
A,W & Inc. - Motion to File Instant Partial Stipulation and Proposal
RCRA -E for Settlement (11/22)

96-143 People of the State of Illinois v. Michel Grain Company, Inc., (CAM)
W-E d/b/a Michel Fertilizer, and Caryle Michel - Respondents'
Motion for Reconsideration and Clarification of August 1, 1996
Order (9/3)

96-147 People of the State of Illinois v. Illinois Cement Company - Joint (CAM)
W-E, Mine Motion to Extend Stay of Proceedings (11/27)

MOTIONS (Cont'd)

96-260 People of the State of Illinois v. Pipe and Piling Supplies (GTG)
A-E (U.S.A), Ltd. - Agreed Motion to Request Relief from Hearing
Requirement (11/26)

96-264 People of the State of Illinois v. American Waste Processing, (CAM)
RCRA-E Ltd. - Respondent's Motion to Dismiss Complaint for Failure to
Comply with Jurisdictional Notice Requirement (11/25)

97-35) Illinois Power Company (Units 1 & 2) - Baldwin Power Station) (JY)
97-36) v. IEPA - Petitioner's Motion for Summary Judgment (10/7)
P-A, Air

97-62 People of the State of Illinois v. Geon Corporation - (JTM)
A-E Complainant's Motion to Strike Affirmative Defenses of
Respondent (11/26), Respondent's Petition for an Extension of
Time to File a Memorandum in Opposition to Complainant's
Motion to Strike its Affirmative Defenses (11/27)

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

97-58 W.R. Meadows, Inc. v. IEPA - Petitioner's First Amended (McF)
A-V Petition for Variance in Response to October 17, 1996 Board
Order (11/18)

97-79 Jane Graham and Kathy Creech v. City of Paris, et al.- (See (JTM)
A-E, **Respondent City of Paris' Motion to Dismiss Complaint filed**
Citizens **11/13)**

97-84 George Casanave v. Standard Oil Company, Inc., and Ray L. (CAM)
UST-E Pearson - Hold for Duplicitous/Frivolous Determination

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

97-91 Land and Lakes Company v. IEPA - Petitioner's Request for 90- (CAM)
P-A, 90-Day Day Extension of Time to Appeal (11/21), Joint Request for 90-
Extension Day Extension of Appeal Period (12/2) - Order

97-92 People of the State of Illinois v. Victor G. Heuermann - Hearing (JY)
W-E Mandatory - No Order

97-93 People of the State of Illinois v. Ashland, Inc. - Hearing (GTG)
A-E Mandatory - No Order

97-94 Jerry Austman and Theresa Strahm v. Amoco Corporation - (CAM)
UST-E, Hold for Duplicitous/Frivolous Determination - No Order
Citizens

97-95 People of the State of Illinois v. City of Sterling - Hearing (RCF)
A & L-E Mandatory - No Order

97-96 Shell Oil Company v. IEPA - Accept for Hearing Order (CAM)
UST-Appeal

97-97 OK Service Center v. IEPA - Joint Request for 90-Day (CAM)
P-A, 90-Day Extension of Appeal Period (12/2) - Order
Extension

CASES PENDING DECISION

96-184 J.M. Sweeney Company v. IEPA (open waiver) (JTM)
A-V

97-39 City of Moline v. IEPA (due 12/21) (JY)

ADJOURNMENT

LIST OF NEW CASES FILED SINCE NOVEMBER 7, 1996 BOARD MEETING

AC 97-43	County of Jackson v. James Qualls
97-91	Land and Lakes Company v. IEPA
97-92	People of the State of Illinois v. Victor G. Heuermann
97-93	People of the State of Illinois v. Ashland, Inc.
97-94	Jerry Austman and Theresa Strahm v. Amoco Corporation
97-95	People of the State of Illinois v. City of Sterling
97-96	Shell Oil Company v. IEPA
97-97	OK Service Center v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF 1996

December 19

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

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997

January 9	July 10
January 23	July 24
February 6	August 7
February 20	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16 *
May 1 *	November 6
May 15	November 20
June 5	December 4
June 19	December 18

NOTE: All Board Meetings will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S02	S02 Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		