

**ILLINOIS POLLUTION CONTROL BOARD**

**MINUTES OF REGULAR BOARD MEETING  
AUGUST 13, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #90-63, City of East moline, by a vote of 7-0. (RCF)

An Opinion and Order was adpted in #90-161, Columbia Quarry Company, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #AS 91-5, Elizabeth Street Foundry, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AC 91-31(A & B), Randall Loveless, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #91-153, Clyde R. Dace, by a vote of 7-0. J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #92-53, Martin Oil Marketing, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #92-55, Stephen A. Smith, by a vote of 6-0. J.C. Marlin abstained and B. Forcade concurred. (JTM)

An Opinion and Order was adopted in #92-62, Galesburg Cottage Hospital, by a vote of 6-1. J.C Marlin dissented and Messrs. R.C. Flemal and B. Forcade concurred. (JTM)

An Opinion and Order was adopted in #92-91, City of Aledo, by a vote of 6-1. B. Forcade dissented. (JCM)

An Opinion and Order was adopted in #92-93, People of the State of Illinois v. International Supply Company, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

In R90-23, General Motors Corporation Site-Specific, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R91-28, RACT Amendments: Expansion of Chicago MSA, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R91-30, RACT Amendments: Stage II Vapor Recovery, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R92-11, UST Update, USEPA Regulations (January 1, 1992 through June 30, 1992), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

In R92-14, Pretreatment Update, USEPA Regulations (January 1, 1992 through June 30, 1992), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

In R92-15, Exemptions from the Definition of VOM Update, USEPA Regulations, a Proposed Rule, Dismissal Order, was adopted by a vote of 7-0. (JA)

A Default Order was adopted in #AC 92-52, Lincoln/Logan Landfill, by a vote of 7-0.

An Order granting Respondent's motion to vacate a July 9, 1992 Default Order and accepting the petition for hearing was adopted in #AC 92-39, Leslie Norman Fred, Sr., by a vote of 5-2. Messrs. B. Forcade and J. Theodore Meyer dissented. (JCM)

An order construing Respondent's August 10, 1992 handwritten letter as a motion to reconsider and to vacate the Board's July 30, 1992 Default Order, and directing the Agency to file a response to be received by the Board on or before August 31, 1992, was adopted in #AC 92-47, Donald Sickles, by a vote of 7-0. (JCM)

Agency motion to withdraw the administrative citation was granted in #AC 92-58, Charles R. Dixon, by a vote of 7-0. (JCM)

An Order directing the parties to file an updated status report on or before November 15, 1992, was adopted in #AS 90-5, R. Lavin & Sons, by a vote of 7-0. (GTG)

By a vote of 7-0, the parties in #AS 91-13, City of Rock Island, were ordered to submit status reports no later than August 27, 1992. (RCF)

By a vote of 7-0, Petitioner's motion for an extension of time to file its petition was granted until September 8, 1992, in #AS 92-6, C.J. Goodall Tire Company. (JA)

An Order granting the Agency's motion to file instantter its status report in response to an April 23, 1992 Order, staying the proceedings until February 1, 1993, and directing the parties to file a status report on or before February 1, 1993, was adopted in #90-164, Riverside Laboratories, by a vote of 7-0. (GTG)

An Order granting the Agency's motion to file instantter its status report in response to an April 23, 1992 Board Order, staying the proceedings until February 1, 1993, and directing the parties to file a status report on or before February 1, 1993, was adopted in #90-165, Riverside Laboratories, by a vote of 7-0. (GTG)

By a vote of 7-0, the Board, on its own motion, extended the stay in #91-84, Indian Refining Limited Partnership, until November 15, 1992 and requested the parties to file an updated status report to be received by the Board no later than November 15, 1992. (GTG)

An Order directing the parties to file an updated status report on or before October 15, 1992, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 7-0. (GTG)

An Order staying the proceedings until February 1, 1993, and directing the parties to file an updated status report on or before February 1, 1993, was adopted in #91-161, Riverside Laboratories, by a vote of 7-0. (GTG)

Petitioner's motion to dismiss was granted in #92-50, Lawrence Brothers, by a vote of 7-0. (BF)

Petitioner's motion for summary judgment was denied in #92-54, ESG Watts, by a vote of 7-0. (MN)

Respondent's motion for leave to appear as counsel was granted in #92-71, Valspar Corporation, by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal was granted in #92-76, Meyer Steel Drum, by a vote of 7-0. (BF)

Agency motion to supplement the record was granted in #92-81, James Lynch, by a vote of 7-0. (JCM)

Agency motion to file the record instanter was granted in #92-88, Southern Food Park, by a vote of 7-0. (JA)

Petitioner's motion to dismiss was granted in #92-89, Lawrence Brothers, by a vote of 7-0. (BF)

Agency motion to extend the time in which to file the Agency record was granted until August 31, 1992 in #92-101, Shell Oil Company, by a vote of 7-0. (JCM)

Agency motion to extend the time in which to file the Agency record was granted until August 31, 1992 in #92-109, Archer Daniels Midland, by a vote of 7-0. (JCM)

Agency motion to extend the time in which to file the Agency record was granted until December 15, 1992 in #92-112, James River Paper Company, by a vote of 7-0. (JCM)

These cases were discussed and held to September 3, 1992 for further discussion or possible decision: ##86-161, Elizabeth Street Foundry; 92-31, City of Roodhouse.

These regulatory matters were discussed and held to September 3, 1992 for further discussion or possible decision: R87-37, Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order; R89-14(C), Groundwater Quality Standards, Adopted Rule, Final Order, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: #92-115, Century Resources, Inc. v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-116, R.D.T. Industries v. EPA, provisional variance granted, **Order by J.C. Marlin**; R92-8, Petition of Illinois Chapter of the Sierra Club, et al. for Amendments to 35 Ill. Adm. Code Subtitle C, Petitioners' request to submit only one copy of Exhibit C and request to waive 200 signature requirement granted in part and additional information requested, **Order by R.C. Flemal**; R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), **Docket Reserved**; R92-11, UST Update, USEPA Regulations (January 1, 1992 through June 30, 1992), **See Decisions Agenda**; R92-12, Safe Drinking Water Act, Phase V, **Docket Reserved**; R92-13, UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), **Docket Reserved**; R92-14, Pretreatment Update, USEPA Regulations (January 1, 1992 through June 30, 1992), **See Decisions Agenda**; R92-15, Exemptions from the Definition of VOM Update, USEPA Regulations (February 4, 1992 through June 30, 1992), **See Decisions Agenda**; R92-16, Petition of Cabot Corporation to Update UIC Regulations or, in the alternative, for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B, Proposed Rule, Dismissal Order, **Order by J. Anderson**.

This Administrative Citation was received by the Board: #92-59, Sangamon County v. L.P. Fleck, Jr.

Because Petitions for Review were received, these Administrative Citations will be set for hearing: #92-51, John & Nina McCullum; 92-55, Max Wayman.

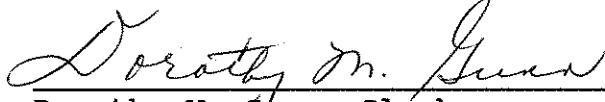
By a vote of 7-0, an Order requesting additional information was adopted in new Adjusted Standard #92-8, Petition of Cabot Corporation.

Minutes of the July 30, 1992 Board Meeting were approved by a vote of 6-0. R.C. Flemal abstained.

Minutes of the August 5, 1992 Special Board Meeting were approved by a vote of 4-0. Drs. R.C. Flemal, G. Tanner Girard, and J.C. Marlin abstained.

All other matters not disposed of as listed were ordered held to September 3, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 3<sup>rd</sup> day of September, 1992 by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
AUGUST 13, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

	90-63	EPA v. City of East Moline (RCF) (Stip)	
	90-161	EPA v. Columbia Quarry Company (JCM) (Stip)	
	90-182	Ronald and Susan Tex (MN)	
AS	91-5	Elizabeth Street Foundry (GTG)	
AC	91-31 (A & B)	Randall Loveless (JCM)	
	91-153	Clyde R. Dace (JA)	
	91-194	Residents of Cedarville, Interim Opinion and Order (BF)	
*	92-53	Martin Oil Marketing (BF) (due 9/3)	
*	92-55	Stephen A. Smith (JTM) (due)	
*	92-62	Galesburg Cottage Hospital (JTM) (due)	
*	92-91	City of Aledo (JCM) (due 10/1)	
	92-93	People of the State of Illinois v. International Supply Company (JCM) (Stip)	

\* INDICATES VARIANCE OR PERMIT APPEAL

**DECISIONS:** (Cont'd)

- R90-23      General Motors Corporation Site-Specific, Proposed Rule, Second Notice, Opinion and Order (BF)
- 
- R91-28      RACT Amendments: Expansion of Chicago MSA, Adopted Rule, Final Order, Opinion and Order (RCF)
- 
- R91-30      RACT Amendments: Stage II Vapor Recovery, Adopted Rule, Final Order, Opinion and Order (RCF)
- 
- R92-11      UST Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposed Rule, Dismissal Order (JA)
- 
- R92-14      Pretreatment Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposed Rule, Dismissal Order (JA)
- 
- R92-15      Exemptions From the Definition of VOM Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposed Rule, Dismissal Order (JA)
- 

**AC DECISIONS:**

- 92-52      Lincoln/Logan Landfill
- 

**MOTIONS:**

- AC    92-39      Leslie Norman Fred - motion to vacate July 9, 1992 Default Order (7/17) (JCM)
- 
- AC    92-47      Donald Sickles - Respondent's motion to reconsider July 30, 1992 Default Order (8/10) (JCM)
- 
- AC    92-58      Charles R. Dixon - Agency motion to withdraw Administrative Citation (8/10) (JCM)
-

**MOTIONS: (Cont'd)**

- AS 90-5 Petition of R. Lavin & Sons - Agency status report in reponse to May 7, 1992 Board Order (7/31), Petitioner's status report in response to May 7, 1992 Board Order (8/4) (GTG)
- 
- AS 91-13 Petition of the City of Rock Island - status report Order (RCF)
- 
- AS 92-6 Petition for C.J. Goodall Tire Company - Petitioner's motion for extension of time to file petition (8/6) (JA)
- 
- 90-108 Joseph & Pamela Stratton - Respondent's motion for summary judgment (8/3), Complainants' motion to withdraw complaint against Little Caesar's Pizza (8/4) (See also Hearing Officer letter filed 8/6) (JTM)
- 
- 90-164 Riverside Laboratories - Agency motion to file status report instanter in response to April 23, 1992 Board Order (8/6) (GTG)
- 
- 90-165 Riverside Laboratories - Agency motion to file status report instanter in response to April 23, 1992 Board Order (8/6) (GTG)
- 
- 91-84 Indian Refining Limited Partnership - Agency status report in response to April 23, 1992 Board Order (7/27), Petitioners' status report in response to April 23, 1992 Board Order (7/31) (GTG)
- 
- 91-94 Safety-Kleen Corporation - joint status report in response to July 9, 1992 Board Order (8/11) (GTG)
- 
- 91-161 Riverside Laboratories - Agency motion to file status report instanter in response to April 23, 1992 Board Order (8/6) (GTG)
- 
- 91-202 Sherex Chemical Company - Petitioner's motion to reconsider decision and to reopen the docket of its permit appeal for certain limited purposes (8/11) (MN)
-



**MOTIONS: (Cont'd)**

- 92-50 Lawrence Brothers - Petitioner's motion to dismiss (8/10) (BF) \_\_\_\_\_
- 92-54 ESG Watts - Petitioner's motion for summary judgment (7/16), Agency response to Petitioner's motion for summary judgment (7/28) (MN) \_\_\_\_\_
- 92-71 Valspar Corporation - Respondent's motion for leave to appear as counsel (8/12) \_\_\_\_\_
- 92-76 Meyer Steel Drum - Petitioner's motion for voluntary dismissal (7/29) (BF) \_\_\_\_\_
- 92-81 James Lynch - Agency motion to supplement Record (8/10) (JCM) \_\_\_\_\_
- 92-88 Southern Food Park - Agency motion to file Record Instanter (8/5) (JA) \_\_\_\_\_
- 92-89 Lawrence Brothers - Petitioner's petition to dismiss permit appeal (8/10) (BF) \_\_\_\_\_
- 92-101 Shell Oil Company - Agency motion to extend time to file Record (8/3) (JCM) \_\_\_\_\_
- 92-109 Archer Daniels Midland - Agency motion to extend time to file Agency Record (8/10) (JCM) \_\_\_\_\_
- 92-112 James River Paper Company - Agency motion to extend time to file Agency Record (8/7) (JCM) \_\_\_\_\_
- R90-1 Toxic Air Contaminants List - motion to schedule hearing filed by the Sierra Club, Coalition for Consumer Rights and the Chicago Lung Association (6/17) (JCM) \_\_\_\_\_  
(C)

**DISCUSSIONS:**

- 86-161 Elizabeth Street Foundry (GTG) \_\_\_\_\_

**DISCUSSIONS:** (Cont'd)

- \* 92-31 City of Roodhouse (JA) (due 9/17) \_\_\_\_\_
- 

**REGULATORY DISCUSSIONS:**

- R87-37 Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order (GTG)
- 
- R89-14 Groundwater Quality Standards, Adopted Rule, (C) Final Order, Opinion and Order (RCF)
- 

**NEW CASES:**

- 92-115 Century Resources, Inc. v. EPA (Provisional Variance) (JCM) \_\_\_\_\_
- 92-116 R.D.T. Industries v. EPA (Provisional Variance) (JCM) \_\_\_\_\_
- R92-8 Petition of the Illinois Chapter of the Sierra Club, et al. for Amendments to 35 Ill. Adm. Code Subtitle C (See also Petitioners' request to submit only one copy of Exhibit C and request to waive 200 signature requirement on page 2 of Petition; Agency motion requesting the Board to require proper filing of the regulatory proposal filed (7/29) (RCF)
- 
- R92-10 RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992) (DOCKET RESERVED)
- R92-11 UST Update, USEPA Regulations (January 1, 1992 through June 30, 1992) (SEE DECISIONS AGENDA)
- R92-12 Safe Drinking Water Act, Phase V (DOCKET RESERVED)
- R92-13 UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992) (DOCKET RESERVED)
- R92-14 Pretreatment Update, USEPA Regulations (January 1, 1992 through June 30, 1992) (SEE DECISIONS AGENDA)

**NEW CASES:** (Cont'd)

R92-15 Exemptions from the Definition of VOM Update, USEPA Regulations (February 4, 1992 through June 30, 1992) (SEE DECISIONS AGENDA)

R92-16 Petition of Cabot Corporation to Update UIC Regulations or, in the alternative, for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B, Proposed Rule, Dismissal Order (JA)

---

**NEW AC CASES:**

92-59 Sangamon County v. L.P. Fleck, Jr.

---

**AC APPEALS:**

92-51 John & Nina McCullum

---

92-55 Max Wayman

---

**NEW ADJUSTED STANDARDS:**

92-8 Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B (See also R92-16) (JA)

---

**MINUTES:**

July 30, 1992

---

August 5, 1992 (Special Board Meeting)

---

PENDING CASES ASSIGNED:

85-140 Citizens Utilities Company (MN)  
 \* 85-166 Citizens Utilities Company (JTM) (open waiver)  
 86-1 City of Peru CSO (JTM)  
 86-2 City of LaSalle CSO (JTM)  
 86-4 City of Morris CSO (RCF)  
 89-44) Moline Corporation (BF)  
 89-87)  
 \* 89-171 Pekin Energy Company (MN) (open waiver)  
 \* 89-177 CWM Chemical Services (JTM) (open waiver)  
 AS 90-4 Granite City (JTM)  
 \* 90-31 R. Lavin & Sons, Inc. (RCF) (due 12/17)  
 90-108 Joseph B. & Pamela J. Stratton (JTM)  
 90-137 Laidlaw Waste Systems (JTM) (Appellate Court Remand) (JTM)  
 \* 90-143 Ohio Grain Company (GTG) (open waiver)  
 90-146 Village of Matteson (BF)  
 90-148 B & M Steel Service Center (GTG)  
 90-149 Straders Logging & Lumber Mill (GTG)  
 90-170 Goose Lake Association (JA)  
 90-187 Herman W. Prescott (BF)  
 AS 91-3 Peoria Disposal (MN)  
 AS 91-9 City of East Moline (RCF) (due 1/21)  
 \* 91-10 Amoco Oil Company (RCF) (open waiver)  
 AS 91-10 Cabot Corporation (JA)  
 AS 91-11 Illinois-American Water Company (RCF) (open waiver)  
 AS 91-12 Illinois-American Water Company (RCF) (open waiver)  
 AS 91-13 City of Rock Island (RCF) (due 12/17)  
 \* 91-17 B.F. Goodrich Corporation (RCF) (due 12/17)  
 91-30 Susan Curtis & Marcy Diesing (JCM)  
 AC 91-31 Randall Loveless (JCM)  
 AC 91-45 Rochelle Disposal Service (JCM)  
 91-50 Karl & Helen Christ (MN)  
 \* 91-75 Community Consol. School Dist. No. 15 (BF) (open waiver)  
 \* 91-86 Raymond & Mary Moore (JA) (due 3/25)  
 91-157 The Grigoleit Company (JA)  
 91-183 Thomas & Barbara Sneed (JTM)  
 \* 91-237 Laidlaw Environmental Services (RCF) (due 9/17)  
 \* 91-238 Laidlaw Environmental Services (RCF) (due 9/17)  
 AC 92-3 Dennis Grubaugh (GTG)  
 AS 92-3 Jefferson Smurfit (GTG)  
 AS 92-2 We-Shred-It, Inc. (JCM)  
 AS 92-4 Detroit Diesel Corporation (JA)  
 AC 92-5 Ronald & Retha Rawe (MN)  
 AS 92-7 Illinois Power Company (BF)  
 \* 92-10 Kelly Williamson Company (BF) (due 10/15)  
 \* 92-23 The Grigoleit Company (JA) (due 12/3)  
 92-26 Dale & Deborah Dettlaff (BF)

**PENDING CASES ASSIGNED:** (Cont'd)

- \* 92-54 ESG Watts (MN) (due 10/29)
- \* 92-63 Dept. of the Air Force (JTM) (due 10/1)
- \* 92-79 U.S. Dept. of Energy (GTG) (due 9/17)
- \* 92-90 Robertson-Ceco (GTG) (open waiver)
- \* 92-107 Dept. of the Army (BF) (due 10/29)