

MINUTES OF REGULAR BOARD MEETING
OCTOBER 10, 1991 CHICAGO, ILLINOIS

Chairman Marlin called the meeting to order at 10:30 a.m. Thereafter, Board Member B. Forcade introduced his new attorney assistant, Diane O'Neil. All Board Members were present. As Mr. Meyer's arrival was delayed by approximately 10 minutes, the meeting commenced with case discussions.

These cases were discussed and held to October 24, 1991 for further discussion or possible decision: ##85-95, Citizens Utilities (Remand); 89-106, D & B Refuse Service.

These regulatory matters were discussed and held to October 24, 1991 for further discussion or possible decision: R91-18, Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous (Infectious) Hospital Waste, Proposed Rule, Second Notice, Opinion and Order; R91-19, Potentially Infectious Medical Waste (PIMW): Etiological Agents.

This Administrative Citation was accepted by the Board: ##91-45, Rochelle Disposal Services.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #91-38, Danny Mains.

An Opinion and Order was adopted in #90-112, Chicago Heights Refuse Depot, by a vote of 6-1. J. Dumelle dissented and B. Forcade concurred. (RCF)

An Opinion and Order was adopted in #90-124, People of the State of Illinois v. Rock Valley Oil and Chemical Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #91-106, Village of Roxana, by a vote of 5-1. J. Dumelle dissented and J. Theodore Meyer voted present. (MN)

An Opinion and Order was adopted in #91-111, Village of Oswego, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JCM)

In R91-22, PM₁₀ Emission Limits, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

An Order determining that an Economic Impact Study need not be prepared, was adopted in R91-22, PM₁₀ Emission Limits, by a vote of 7-0. (JTM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #91-39, South Holland Trust #268.

By a vote of 7-0, Complainants' motion for extension of time in which to submit the executed stipulation and proposal for settlement in #86-160, Fitz-Mar, Inc., was denied and the Hearing Officer was directed to set the matter for hearing on the merits by November 11, 1991, and to conclude all such hearings no later than December 15, 1991. (JA)

Petitioner's motion to modify a November 29, 1990 Board Order was granted in #88-188, Shell Oil Company, by a vote of 7-0. (JD)

Agency motion to dismiss or, in the alternative, for summary judgment was denied in #90-31, R. Lavin & Sons, by a vote of 5-1. B. Forcade dissented. Board Member J. Theodore Meyer was not present for the vote. (JCM)

By a vote of 5-1, Complainants' motion for additional relief was granted and the Board reopened the case and ordered Respondents to file a reply, no later than October 31, 1991, which shall contain a description of the Respondents' actions with regard to the requirements of 2(a), (b), (c), and (d) of the Board's May 9, 1991 Order in #90-108, Joseph B. and Pamela J. Stratton. J. Dumelle dissented. Board Member J. Theodore Meyer was not present for the vote. (JCM)

Petitioner's motion for reconsideration of an August 22, 1991 Board Order was denied in #91-112, Williamson Adhesives, by a vote of 6-0. Board Member J. Theodore Meyer was not present for the vote. (MN)

Agency motion for summary judgment was granted in #91-131, Salvation Army, by a vote of 6-0. Board Member J. Theodore Meyer was not present for the vote. (MN)

Agency motion to file Record Instantly was granted in #91-138, Kronon Motor Sales, by a vote of 6-0. Board Member J. Theodore Meyer was not present for the vote. (RCF)

Agency motion to dismiss was denied in #91-163, Clinton County Oil, by a vote of 6-0. Board Member J. Theodore Meyer was not present for the vote. (JCM)

Agency motion to delay filing of the Agency Record was denied in #91-171, Monsanto Company, by a vote of 6-0. Board Member J. Theodore Meyer was not present for the vote. (JCM)

An order accepting the petition for hearing and advising any person wishing to comment on the need for an Economic Impact Study to file its comment with the Board no later than October 31, 1991, was adopted in R91-23, Marathon Oil Company, by a vote of 7-0. (MN)

In amended petitions these actions were taken by a vote of 7-0:

##91-121, Village of Channahon, Petitioner's motion for leave to file its amended petition was granted and the Board noted that the amended petition restarts the Board's 120 day time clock for decision, Order by J. Anderson; 91-126, City of Knoxville, held for Agency Recommendation; 91-139, R. Lavin & Sons, held to October 24, 1991 for possible consideration.

In new cases these actions were taken by a vote of 7-0:

##91-136, Don Bolander v. Monticello Bus Service, Wayne Kruger, President, held for duplicitous/frivolous determination; 91-152, Envirite Corporation v. EPA, Peoria Disposal Company's motion for extension of time to file its motion to dismiss and Complainant's motions for extension of time to file its response to Peoria Disposal Company's motion to dismiss and motion for leave to file its response instanter were granted, and given the pendency of Complainant's cross-motion for dismissal or summary judgment, Respondents were granted until November 10, 1991 to file the appropriate responses to the cross-motion, Order by J.C. Marlin; 91-153, Clyde R. Dace v. D. Kohlhase, Fire Chief, Fox River Grove Fire Protection District, accepted for hearing and Fox River Grove Fire Protection District's motion to dismiss complaint was denied, Order by J.C. Marlin; 91-172, John Plosila v. Bandito Barney's, First American Bank (Wallace Trust No. 89-008), and Thom McNamee, held to October 24, 1991 for possible consideration; 91-182, George Weber Chevrolet Facility v. EPA, additional information requested, Order by J.C. Marlin; 91-183, Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar, First Bank & Trust Company, held for duplicitous/frivolous determination; 91-184, The C.P. Hall Company v. EPA, accepted for hearing, Order by B. Forcade; 91-185, Castle Metal Finishing v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-186, I.C.I. Americas, Inc. v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-187, Magic Chef Company v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-188, Village of Lake Zurich v. EPA, accepted for hearing, Order by B. Forcade; 91-189, USX Corporation v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-190, State Bank of Whittington v. EPA, accepted for hearing, Order by B. Forcade.

Agency motion for extension of time to file response to petition granted until November 6, 1991 in #AS 91-6, Dart Container Corporation, by a vote of 7-0. (JTM)

Minutes of the September 26, 1991 Board Meeting were approved by a vote of 7-0.

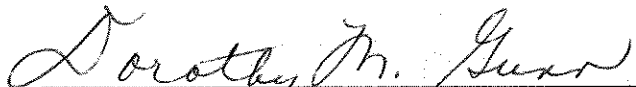
In these other new cases these actions were taken by a vote of 7-0: ##91-191, Grand Soo, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-192, People of the State of Illinois v.

Prairie Material Sales, Inc., hearing mandatory; 91-193, People of the State of Illinois v. Park Crematory, Inc., hearing mandatory.

This regulatory matter was discussed and held to October 24, 1991 for possible consideration: R89-17(C), California Motor Vehicle Standards.

All other matters not disposed of as listed were ordered held to October 24, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 24th day of October, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 10, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

91-191 Grand Soo, Inc. v. EPA

91-192 People of the State of Illinois v. Prairie Material
Sales, Inc.

91-193 People of the State of Illinois v. Park Crematory,
Inc.

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 10, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 90-112 Chicago Heights Refuse Depot (RCF)

- 90-124 People of the State of Illinois v. Rock Valley Oil &
Chemical Company (JCM) (Stip)

- * 91-106 Village of Roxana (MN)(due)

- * 91-111 Village of Oswego (JCM)(due 10/24)

- R91-22 PM₁₀ Emission Limits, Second First Notice, Opinion and
Order (See also Agency motion to amend Regulatory
Proposal filed 9/30)(JTM)

- R91-22 PM₁₀ Emission Limits, EcIS Determination Order (JTM)

AC DECISIONS:

- 91-39 South Holland Trust #268

MOTIONS:

- 86-160 Fitz-Mar, Inc. - response to September 12, 1991 Board
Order (9/27)(JA)

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 88-188 Shell Oil Company - Petitioner's motion to modify November 29, 1990 Board Order (9/17)(JD)
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- 89-169 John and Jean Zarlenga - Respondent's motion for extension of time to comply with May 9, 1991 Board Order (9/27)(JA)
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- 89-184 The Grigoleit Company - Petitioner's second motion for sanctions and other relief (10/2), Agency motion to file Instanter and response to Petitioner's second motion for sanctions and other relief (10/9)(JA)
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- 90-31 R. Lavin & Sons - Agency motion to dismiss or, in the alternative, for summary judgment (9/11), Petitioner's response to Agency motion to dismiss and for summary judgment (9/18)(JCM)
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- 90-108 Joseph & Pamela Stratton - Complainant's motion for additional relief (8/12)(JCM)
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- 91-7 Land and Lakes - Respondents' motion to reconsider August 26, 1991 Board Order (9/27)(JA)
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- 91-30 Susan Curtis & Marcy Diesing - Respondent's motion for leave to file answer to the complaint of the Intervening Complainant (City of Crystal Lake) (10/8)
-
- 91-50 Karl & Helen Christ - Respondent's motion to enforce discovery, motion for attorney fees, and motion to continue hearing (9/12), Complainants' response to Respondent's motion to enforce discovery, motion for attorney fees, and motion to continue hearing (9/30)
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- 91-112 Williamson Adhesives - Petitioner's motion for reconsideration of August 22, 1991 Board Order (9/18), Agency response to Petitioner's motion for reconsideration (9/27)(MN)
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- 91-131 Salvation Army - Agency motion for summary judgment (9/26)(MN)
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- 91-138 Kronon Motor Sales - Agency motion to file Record Instanter (9/26)(RCF)
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MOTIONS: (Cont'd)

- 91-157 The Grigoleit Company - Respondent's motion to file
Instanter Respondent's motion to dismiss and strike
(10/8) _____
- 91-158) Commonwealth Edison Company - Petitioner's motion to
91-178) consolidate proceedings (10/4)
91-179) _____
91-180) _____
- 91-160 General Motors - Objection (9/30) _____
- 91-161 Riverside Laboratories - Objection (9/26), Objection
(10/9) _____
- 91-163 Clinton County Oil - Agency motion to dismiss (9/18)

- 91-171 Monsanto Company - Agency motion to delay filing of
Agency Record (9/30) _____
- R91-23 Marathon Oil Company - Petitioner's response to August
26, 1991 Board Order (10/3)(MN)

DISCUSSIONS:

- 85-95 Citizens Utilities (Remand)(JA) _____
- * 89-106 D & B Refuse Service (MN)(due 10/24) _____

REGULATORY DISCUSSIONS:

- R89-17 California Motor Vehicle Standards (JTM)
(C) _____
- R91-18 Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous
(Infectious) Hospital Waste, Proposed Rule, Second
Notice, Opinion and Order (RCF)

- R91-19 Potentially Infectious Medical Waste (PIMW):
Etiological Agents (RCF) _____

ADDITIONAL DISCUSSION:

Opening of Reserved Dockets and Potential Inquiry Hearings Implementing Clean Air Act Requirements

AMENDED PETITIONS:

91-121 Village of Channahon (filed 10/4) (See also Petitioner's motion for leave to file amended petition) (JA)

91-126 City of Knoxville (filed 10/7)

91-139 R. Lavin & Sons (filed 9/23) (See also Agency Memorandum in response to August 22, 1991 Board Order filed 9/24 and Petitioner's response to Agency motion for summary judgment filed 10/7)

NEW CASES:

91-136 Don Bolander v. Monticello Bus Service, Wayne Kruger, President

91-152 Envirite Corporation v. EPA and Peoria Disposal Company (See also Respondent Peoria Disposal Company's motion for extension of time to file its motion to dismiss filed 9/6; motion to dismiss, or in the alternative, motion for summary judgment and supporting Memorandum of law filed 9/10; Petitioner's motion for an extension of time filed 9/23; Agency motion to dismiss or in the alternative motion for summary judgment filed 9/24; Complainant's motion for additional extension of time filed 9/27 and Petitioner's motion for leave to file Instanter and consolidated response and cross motion for summary judgment filed 10/7)

91-153 Clyde R. Dace v. D. Kohlhase, Fire Chief, Fox River Grove Fire Protection District (See also Fox River Grove Fire Protection District's motion to dismiss complaint filed 9/16 and Complainant's response filed 9/30)

91-172 John Plosila v. Bandito Barney's, First American Bank (Wallace Trust No. 89-008) and Thom McNamee (See also Respondent's motion to dismiss filed 9/26)

NEW CASES: (Cont'd)

- 91-182 George Weber Chevrolet Facility v. EPA

- 91-183 Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar,
First Bank & Trust Company

- 91-184 The C.P. Hall Company v. EPA (BF)

- 91-185 Castle Metal Finishing v. EPA (Provisional Variance)
(JCM)

- 91-186 I.C.I. Americas, Inc. v. EPA (Provisional Variance)(JCM)

- 91-187 Magic Chef Company v. EPA (Provisional Variance)(JCM)

- 91-188 Village of Lake Zurich v. EPA

- 91-189 USX Corporation v. EPA (Provisional Variance)(JCM)

- 91-190 State Bank of Whittington v. EPA

NEW AC CASES:

- 91-45 Rochelle Disposal Services _____

AC APPEALS:

- 91-38 Danny Mains _____

ADJUSTED STANDARDS MOTIONS:

- 91-6 Dart Container Corporation - Agency motion for extension
of time to file response to petition (10/3)(JTM)

MINUTES:

September 26, 1991

PENDING CASES ASSIGNED:

85-140 Citizens Utilities Company (MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-1 City of Peru CSO (JTM)
 86-2 City of LaSalle CSO (JTM)
 86-3 City of Oglesby CSO (JA)
 86-4 City of Morris CSO (JD)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JCM)
 88-98 IBP, Inc. (Appellate Court Remand)(BF)
 * 88-193 General Motors (BF)(open waiver)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 * 89-171 Pekin Energy Company (JD)(open waiver)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AC 89-224 John Vander (MN)(Appellate Court Remand)
 AS 90-8 Olin Corporation (JA)
 AC 90-26(B) ESG Watts (JCM)
 90-59 Michael L. Christianson (MN)
 90-60 Allied Hastings Barrel & Drum Company (JCM)
 AC 90-64(B) Louis Mund (BF)
 AC 90-65(B) Arthur Fields (BF)
 AC 90-66(B) Sandra Petroff (BF)
 AC 90-67(B) Timothy Doctor (BF)
 AC 90-91 Bernard Leitschuh (BF)
 90-135 The Grigoleit Company (BF)
 * 90-136 Walter J. and Marlene J. Maquet (BF)(open waiver)
 90-140 G & K Investments (BF)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (MN)
 90-149 Straders Logging and Lumber Mill (MN)
 * 90-168 Williamson Adhesives (BF)(open waiver)
 90-200 Vito Zivoli (JCM)
 * 90-227 DMI, Inc. (RCF)(open waiver)
 AS 91-1 Keystone Steel & Wire (JA)
 * 91-2 Olin Corporation (JCM)(due 12/19)
 AS 91-3 Peoria Disposal Company (JD)
 AC 91-17(B) Ronald Feldman (JCM)
 * 91-29 Commonwealth Edison (RCF)(open waiver)
 91-48 Wonder View Improvement Assn. (RCF)
 * 91-75 Community Consol. School Dist. No. 15 (BF)(open waiver)
 * 91-80 Paul Rosman (JD)(due 12/19)
 * 91-83 Indian Refining Limited Partnership (MN)(due 1/9)
 * 91-86 Raymond D. and Mary Moore (JA)(due 1/9)
 * 91-108 Israel-Gerold's (JTM)(due 2/6)
 * 91-109 North Suburban Development (JA)(due 11/21)
 * 91-113 Dept. of the Army (BF)(due 1/9)
 * 91-119 White County Board (JD)(due 12/19)
 * 91-120 Beer Motors (JTM)(due 1/23)
 * 91-121 Village of Channahon (JA)(due 1/23)

PENDING CASES ASSIGNED: (Cont'd)

91-129 City of Bloomington (JCM)
* 91-131 Salvation Army (MN)(due 11/21)
* 91-133 Lawrence Cadillac (JCM)(due 12/19)
* 91-135 Village of Bloomingdale (JTM)(due 11/21)
* 91-138 Kronon Motor Sales (RCF)(2/27)
91-142 Broadwell Grain Elevator (JCM)