

MINUTES OF REGULAR BOARD MEETING
DECEMBER 6, 1991 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #90-60, People of the State of Illinois v. Allied-Hastings Barrel & Drum Service, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #91-150, People of the State of Illinois v. World's Finest Chocolate, Inc., by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

A Resolution and Order was adopted in RES 91-1 (R89-5), Groundwater Protection Regulations, by a vote of 7-0. J. Theodore Meyer concurred. (RCF)

In R89-5, Groundwater Protection Regulations, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. Messrs. J. Dumelle and J. Theodore Meyer concurred. (RCF)

In R91-16, UIC Update, USEPA Regulations (January 1, 1991 through June 30, 1991), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

In R91-17, Pretreatment Update, USEPA Regulations (January 1, 1991 through June 30, 1991), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

An Order constraining Respondent's July 31, 1991 letter as a timely filed motion to reconsider the imposition of hearing costs, and upon reconsideration denying the motion to reconsider, was adopted in #AC 90-56 (B), Steve Gilbert, by a vote of 7-0. J. Theodore Meyer concurred. (JCM)

An Order constraining Respondent's November 12, 1991 letter as a motion to vacate an October 24, 1991 default Order, requesting that the Agency file a response to be received in the Board's office on or before December 17, 1991, directing the Clerk of the Board to provide the Agency with a copy of Respondent's letter along with the Order, and to serve Respondent with a copy of the Act and the Board's procedural rules via first class mail, along with a copy of the Order, was adopted in #AC 91-40, Curtis Newlan, by a vote of 7-0. (JCM)

Petitioner's motion for reconsideration of an October 24, 1991 Opinion and Order was granted and upon reconsideration the Board declined to grant the relief requested in #85-95, Citizens Utilities Company of Illinois, by a vote of 6-0. R.C. Fleming abstained and B. Forcade concurred. (JA)

An Opinion and Order, granting the Agency's motion to file its

response instanter to Petitioner's second motion for sanctions, striking the Agency's citation to 35 Ill. Adm. Code 215.157 and 215.160 in its July 29, 1991 denial letter, granting Petitioner's motion for sanctions, reversing the Agency's denial of Petitioner's application for an operating permit and directing the Agency to issue Petitioner's operating permit, was adopted in #89-184, The Grigolet Company, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

Respondent's motion for reconsideration of an October 10, 1991 Board Order and emergency motion for leave to file an emergency supplemental statement in support of its motion for reconsideration was denied in #90-112, Chicago Heights Refuse Depot, by a vote of 6-1. J. Dumelle dissented. (RCF)

Board Member J. Theodore Meyer presented a draft Order pursuant to Petitioner's motion to remand for correction of procedural defects in #89-177, CWM Chemical Services, which failed to carry by a vote of 3-4 with R.C. Flemal, J. Theodore Meyer and M. Nardulli for it and J. Anderson, J. Dumelle, B. Forcade and J.C. Marlin against it. An alternative draft Order by J. Anderson was then adopted by a vote of 4-3. Messrs. R.C. Flemal, J. Theodore Meyer and M. Nardulli dissented. (JA)

Board Member J. Anderson presented a draft Opinion and Order pursuant to Respondent's motion to reconsider an August 26, 1991 Board Order in #91-7, Land and Lakes, which failed to carry by a vote of 3-4 with J. Anderson, J.C. Marlin and M. Nardulli for it and J. Dumelle, B. Forcade, R.C. Flemal and J. Theodore Meyer against it. An alternative Supplemental Opinion and Order by R.C. Flemal was then adopted by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented and J. Anderson and B. Forcade concurred. (RCF)

By a vote of 7-0, Petitioner's motion for voluntary dismissal in #91-81, Safety-Kleen Corporation (Caseyville Facility), was granted with prejudice since the time for appeal of the permit under review had long since expired. (BF)

By a vote of 7-0, Petitioner's motion for voluntary dismissal in #91-82, Safety-Kleen Corporation (PeKin, Illinois), was granted with prejudice since the time for appeal of the permit under review had long since expired. (BF)

By a vote of 7-0, Petitioner's motion for leave to file supplemental sampling data in #91-118, City of Braidwood, was granted and the Board noted that the filing of the supplemental information was tantamount to the filing of an amended variance petition and that the filing restarts the Board's 120-day decision deadline. (MN)

Petitioner's motion for dismissal was granted in #91-155, Seaco, Inc., by a vote of 7-0. (BF)

By a vote of 7-0, Agency motion for leave to file its recommendation instanter in #91-188, Village of Lake Zurich, was granted and Petitioner's motion to withdraw and motion for expedited decision was granted subject to the Board's time and resource constraints. (JCM)

By a vote of 7-0, Petitioner's motion to voluntarily dismiss in #91-191, Grand Soo, Inc., was granted with prejudice since the time for appeal of the Agency's determination had long since expired. (BF)

Petitioner's motion to extend the time in which to reply to the Agency's response to its petition for an adjusted standard was granted until January 9, 1992 in #AS 91-6, Dart Container Corporation, by a vote of 7-0. (JCM)

These cases were discussed and held to December 19, 1991 for further discussion or possible decision: R90-8, Further discussion or possible decision: #90-227, DMI, Inc.; 91-80, Paul Rosman; 91-119, White County Board.

These regulatory matters were discussed and held to December 19, 1991 for further discussion or possible decision: R90-8, Amendments to Permit Appeal Procedural Rules, Proposed Rule, Second First Notice, Opinion and Order; R91-12, USX Corporation RCRA Delisting, Adopted Rule, Final Order, Opinion and Order; R90-9, Used and Waste Tire Regulations, Proposed Rule, Second Notice, Opinion and Order.

In amended petition #86-1, City of Peru CSO, this action was taken by a vote of 7-0: amended petition accepted and the Board retained jurisdiction of the matter so that it could consider the permanent exception pursuant to the procedures of 35 Ill. Adm. Code 306.Subpart D. (JTM)

In new cases these actions were taken by a vote of 7-0: #91-214, North Oak Chrysler Plymouth v. Amoco Oil Company, accepted for hearing; 91-232, Lyons/Paulina Kerpec Trust #103 (Cy Kerpec and Lucille Taylor) v. EPA, accepted for hearing, Order by B. Forcade; 91-233, L.D. Redmer Screw Products, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-234, Safety-Kleen Corporation (Pekin, Illinois) v. EPA, accepted for hearing, Order by B. Forcade; 91-235, Marsco Manufacturing Company v. EPA, additional information requested, Order by B. Forcade; 91-236, City of Kewanee v. EPA, held for agency recommendation; 91-237, Laidlaw Environmental Services of Illinois, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-238, Laidlaw Environmental Services of Illinois, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-239, Precast Metals v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by

J.C. Marlin; 91-240, Amax Coal Company, Wabash Mine v. EPA, provisional variance granted, Messrs. J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-241, Safety-Kleen Corporation v. EPA, accepted for hearing, Order by B. Forcade; 91-242, Arthur J. Ferrai v. EPA, accepted for hearing, Order by B. Forcade. These Administrative Citations were received by the Board: #91-49, Walter Klockenga; 91-50, Lincoln/Logan Landfill, Inc.; 91-51, Ronald Lane; 91-52, Robert Cradock.

Minutes of the November 21, 1991 Board Meeting were approved by a vote of 7-0.

Minutes of the November 27, 1991 Special Board Meeting were approved by a vote of 4-0. J. Anderson, R.C. Flemal and J.C. Marlin abstained.

B. Forcade presented a draft Opinion and Order in #90-136, Walter J. Maquet and Marlene J. Maquet. Motion to amend by J. Anderson failed to carry by a vote of 2-5 with J. Theodore Meyer for it and J. Dumelle, B. Forcade, R.C. Flemal, J.C. Marlin and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 6-1. J. Anderson dissented. (BF)

J. Anderson presented a draft Opinion and Order in #91-109, North Suburban Development Corporation, which failed to carry by a vote of 2-5 with J. Anderson and M. Nardulli for it and J. Dumelle, B. Forcade, R.C. Flemal, J.C. Marlin and J. Theodore Meyer against it. An alternative draft Order, presented by B. Forcade, was then adopted by a vote of 5-2. J. Anderson and M. Nardulli dissented. (BF)

All other matters not disposed of as listed were ordered held to December 19, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of December, 1991, by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
 FINAL AGENDA
 DECEMBER 6, 1991 CHICAGO, ILLINOIS
 CONFERENCE ROOM 9-040
 10:30 A.M.

DECISIONS:

90-60 People of the State of Illinois v. Allied-Hastings Barrel & Drum Service, Inc. (JCM) (Stip)

90-136 * Walter & Marlene Maquet (BF)(open waiver)

91-109 * North Suburban Development (JA)(due 12/6)

91-150 People of the State of Illinois v. World's Finest Chocolate, Inc. (JCM) (Stip)

R89-5 Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order (RCF)

RES91-1 Groundwater Protection Regulations, Resolution and Order (RCF)

R91-16 UIC Update, USEPA Regulations (January 1, 1991 through June 30, 1991), Proposed Rule, Dismissal Order (JA)

R91-17 Pretreatment Update, USEPA Regulations (January 1, 1991 through June 30, 1991), Proposed Rule, Dismissal Order (JA)

AC MOTIONS:

90-56 (B) Steve Gilbert - Board Order (See November 15, 1991 Letter from EPA)

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS: (Cont'd)

91-40 Curtis Newlan - Respondent's motion to vacate October 24, 1991 Default Order (See Respondent's letter filed 11/12)(JCM)

MOTIONS:

85-95 Citizens Utilities Company - Petitioner's motion for reconsideration of October 24, 1991 Opinion and Order (11/15)(JA)

85-212 Village of Morton - Petitioner's motion to modify May 9, 1986 Board Order (11/27)(RCF)

86-4 The City of Morris - Petitioner's motion to modify condition #4 of the Board's April 7, 1988 Order (12/2)(JD)

89-106 D & B Refuse Service - Petitioner's motion for reconsideration of October 24, 1991 Order (12/2)(MN)

89-177 CWM Chemical Services - Petitioner's motion to remand for correction of procedural defects and Memorandum in support of Petitioner's motion to remand (11/7), response of 35th District Environmental Task Force to Petitioner's motion to remand (11/19), Respondent's motion for leave to file response in opposition to Petitioner's motion to remand for correction of procedural defects instanter (11/20)(JTM)

89-184 The Grigolet 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)

90-112 Chicago Heights Refuse Depot - Respondent's motion for reconsideration of October 10, 1991 Board Order (11/8), Respondent's memorandum in support of motion for reconsideration (11/14), Complainant's response to Respondent's motion to reconsider (11/21), Respondent's emergency motion for leave to file emergency supplemental statement in support of its motion for reconsideration (12/2), Complainant's response to Respondent's motion for leave to file an emergency supplemental statement in support of its motion for reconsideration (12/4)(RCF)

MOTIONS: (Cont'd)

91-7

Land and Lakes - Respondent's motion to reconsider August 26, 1991 Board Order (9/27), petitioner's response to Respondent's motion to reconsider (10/15), County of Will's motion for leave to file Reply Brief Instanter and Reply to response to motion to consider (10/23), Petitioner's response to Will County's motion for leave to file reply (10/30)(JA)

91-81

Safety-Kleen - Petitioner's motion for voluntary dismissal without prejudice (11/25)(BF)

91-82

Safety-Kleen - Petitioner's motion for voluntary dismissal without prejudice (11/25)(BF)

91-118

City of Braidwood - Petitioner's motion for leave to file supplemental sampling data (11/22)(MN)

91-138

Kronon Motor Sales - Agency motion for summary judgment (11/25)(RCF)

91-152

Envirite Corporation - Peoria Disposal Company's motion to dismiss, or in the alternative, motion for summary judgment and supporting memorandum of law (9/10), Agency motion to dismiss, or in the alternative, motion for summary judgment (9/24), Complainant's consolidated response and cross motion for summary judgment and memorandum in support of cross motion for summary judgment and in opposition to Respondents' motions (10/7), Respondents' joint memorandum in opposition to Petitioner's cross-motion for summary judgment (11/12), Petitioner's motion to strike, or in the alternative, for leave to file instanter its reply Brief (11/27)(MN)

91-155

Seaco, Inc. - Petitioner's motion for dismissal (12/4)

91-156

Gallatin National Company - Petitioner's motion for summary judgment and memorandum in support of its motion for summary judgment (11/15), Agency response to Petitioner's motion for summary judgment and motion for summary judgment (11/25), Petitioner's response to Agency's motion for summary judgment (12/4)(JA)

MOTIONS: (cont'd)

91-188 Village of Lake Zurich - Agency motion to file Recommendation Instanter (11/22), Petitioner's motion to withdraw hearing request and for expedited decision (11/25)(JCM)

91-191 Grand Soo, Inc. - Petitioner's motion to voluntarily dismiss without prejudice (12/3)(BF)

91-212 O'Brien Tire and Battery - Agency motion to dismiss (11/19)

91-215 Land and Lakes - Agency motion to extend time to publish notice (11/25)(MN)

91-216 Land and Lakes - Agency motion to extend time to publish notice (11/25)(MN)

91-217 Land and Lakes - Agency motion to extend time to publish notice (11/25)(MN)

91-218 Land and Lakes - Agency motion to extend time to publish notice (11/25)(MN)

91-219 Toxic Air Contaminants List - Halogenated Solvents Industry Alliance's motion to separate the consideration of environmental effects from this rulemaking (12/2), Halogenated Solvents Industry Alliance's motion to reconsider listing of tetrachloroethylene and trichloroethylene as toxic air contaminants (12/2), response of the Illinois Chapter of the Sierra Club to the HISA's motions to separate consideration of environmental effects and reconsider the listing of tetrachloroethylene and trichloroethylene (12/5)(JCM)

91-223 Marathon Oil Company Site-Specific - Petitioner's motion to incorporate record (12/2)(MN)

ADJUSTED STANDARDS MOTIONS:

91-6 Dart Container Corporation - Petitioner's motion to extend the time in which to reply to Agency's response to its petition for adjusted standard (11/22)(JCM)

DISCUSSIONS:

- * 90-227 DMI, Inc. (RCF)(open waiver)
- * 91-80 Paul Rosman (JD)(due 12/19)
- * 91-119 White County Board (JCM)(due 12/19)

REGULATORY DISCUSSIONS:

- R90-8 Amendments to Permit Appeal Procedural Rules, Proposed Rule, Second First Notice, Opinion and Order (BF)
- R91-12 USX Corporation RCRA Delisting, Adopted Rule, Final Order Opinion and Order (JA)

AMENDED PETITIONS:

- 86-1 City of Peru CSO (filed 10/24)(JTM)

NEW CASES:

- 91-214 North Oak Chrysler Plymouth v. Amoco Oil Company
- 91-232 Lyons/Paulina Kerpec Trust #103, (Cy Kerpec and Lucille Taylor) v. EPA (BF)
- 91-233 L.D. Redmer Screw Products, Inc. v. EPA (BF)
- 91-234 Safety-Kleen Corporation (Pekin, Illinois) v. EPA (BF)
- 91-235 Marsco Manufacturing Company v. EPA (BF)
- 91-236 City of Kewanee v. EPA
- 91-237 Laidlaw Environmental Services of Illinois, Inc. v. EPA (BF)
- 91-238 Laidlaw Environmental Services of Illinois, Inc. v. EPA (BF)

NEW CASES: (Cont'd)

91-239 Precoat Metals v. EPA (Provisional Variance)(JCM)

91-240 Amax Coal Company, Wabash Mine v. EPA (Provisional Variance)(JCM)

91-241 Safety-Kleen Corporation v. EPA (BF)

91-242 Arthur J. Ferrai v. EPA (BF)

NEW AC CASES:

91-49 Walter Klockenga

91-50 Lincoln/Logan Landfill, Inc.

91-51 Ronald Lane

91-52 Robert Cradock

MINUTES:

November 21, 1991

November 27, 1991 (Special Board Meeting)

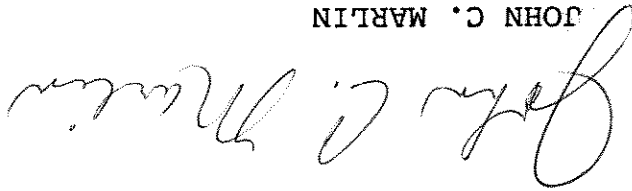
PENDING CASES ASSIGNED:

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)	*
88-98	IBF, Inc. (Appellate Court Remand)(BF)	
88-193	General Motors (BF)(open waiver)	*
89-44)	Moline Corporation (BF)	
89-87)	Gilbertson Clybourn (BF)	
89-158	John & Jean Zarlenga (JA)	
89-171	Pekin Energy Company (JD)(open waiver)	*
89-177	CWM Chemical Services (JTM)(open waiver)	
89-215	Omer Thomas (BF)	AC
89-224	John Vander (MN)(Appellate Court Remand)	AC
90-31	R. Lavin & Sons, Inc. (RCF)(due 12/31/92)	*
90-60	Allied Hastings Barrel & Drum Company (JCM)	
90-91(B)	Bernard Leitschuh (BF)	AC
90-108	Joseph B. & Pamela J. Stratton (JTM)	
90-135	The Grigolet Company (BF)	
90-146	Village of Mateson (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)	
91-17	B.F. Goodrich Corporation (RCF)(due 3/12)	*
91-30	Susan Curtis & Marcy Dising (JCM)	
91-31	Randall Lovelless (JCM)	AC
91-34	William S. Popejoy (JD)	AC
91-48	Wonder View Improvement Assn. (RCF)	
91-75	Community Consol. School Dist. No. 15 (BF)(open waiver)	*
91-83	Village of Lincolnwood (MN)(open waiver)	*
91-86	Raymond D. and Mary Moore (JA)(due 1/9)	*
91-108	Israel-Gerold's (JTM)(due 2/6)	*
91-113	Dept. of the Army (BF)(due 1/9)	*
91-118	City of Braidwood (MN)(due 2/6)	*
91-120	Beer Motors (JTM)(due 1/23)	*
91-121	Village of Channahon (JA)(due 1/23)	*
91-126	City of Knoxville (JCM)(due 1/23)	*
91-129	City of Bloomington (JCM)	
91-133	Lawrence Cadillac (JCM)(due 2/6)	*
91-138	Kronon Motor Sales (RCF)(4/23)	*
91-146	James W. Turner, Sr. (RCF)	
91-147	James W. Turner, Sr. (RCF)	
91-148	James W. Turner, Sr. (RCF)	
91-152	Envrite Corporation (MN)	
91-156	Gallatin National Company (JA)(due 2/6)	*
91-157	The Grigolet Company (JA)	

PENDING CASES ASSIGNED: (cont'd)

- 91-163 * Clinton County Oil (MN)(due 3/12)
- 91-173 * Marathon Oil Company (RCF)(due 1/9)
- 91-188 * Village of Lake Zurich (JCM)(due 1/23)
- 91-190 * State Bank of Whittington (RCF)(open waiver)
- 91-191 * Grand Soo, Inc. (JTM)(due 6/25)
- 91-215 * Land and Lakes Company (MN)(due 2/27)
- 91-216 * Land and Lakes Company (MN)(due 2/27)
- 91-217 * Land and Lakes Company (MN)(due 2/27)
- 91-218 * Land and Lakes Company (MN)(due 2/27)
- 91-223 * Waste Hauling, Inc. (JTM)(due 3/12)
- 91-224 * 5027 Corporation (BF)(due 3/12)

JOHN C. MARLIN
Chairman



PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for December 5, 1991 has been changed to December 6, 1991. This meeting will be held in Conference Room 9-040 and will begin at the regular time of 10:30 a.m.

NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

RONALD C. FLEMAL
DEKALB, ILLINOIS
BILL S. FORCADE
CHICAGO, ILLINOIS
J. THEODORE MEYER
CHICAGO, ILLINOIS
MICHAEL L. NARDULLI
CHICAGO, ILLINOIS

JOHN C. MARLIN, CHAIRMAN
URBANA, ILLINOIS
JOAN G. ANDERSON
WESTERN SPRINGS, ILLINOIS
JACOB D. DUMELLE
OAK PARK, ILLINOIS

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POLLUTION CONTROL BOARD

