

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
JANUARY 7, 1993 CHICAGO, ILLINOIS**

All Board Members were present save J. Anderson, who was on vacation, and M. Nardulli who is ill.

An Opinion and Order was adopted in #AC 91-45 (Docket A & B), Rochelle Disposal Service, by a vote of 5-0. (JCM)

An Order was adopted in #91-194, Village of Cedarville, by a vote of 5-0. (BF)

An Opinion and Order was adopted in #92-144, City of Highland, by a vote of 5-0. (JCM)

An Opinion and Order was adopted in #92-149, People of the State of Illinois v. Oak Valley Wood Products, Inc., by a vote of 4-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #92-186, People of the State of Illinois v. Hill Concrete Products, Inc., by a vote of 4-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #92-190, People of the State of Illinois v. Loop Transfer, Inc., by a vote of 4-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #92-192, People of the State of Illinois v. SK Hand Tool Corporation, by a vote of 4-1. J. Theodore Meyer dissented. (JCM)

In R89-17(C), Application of California Motor Vehicle Control Program in Illinois, a Proposed Rule, Dismissal Order, Opinion and Order was adopted by a vote of 4-1. J. Theodore Meyer dissented. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##92-81, First Baptist Church of Cahokia; 92-82, Carl Green.

Agency motion for additional time to respond to Petitioners' second amended petition was granted until January 29, 1993, in #AS 92-4, Joint Petition of Detroit Diesel Corporation and the Manufacturers Association, by a vote of 5-0. (JTM)

Petitioner's motion for leave to file a reply to the Agency's response to its petition, and Agency motion for leave to file its answer to Petitioner's reply to the Agency's response to its petition, were granted in #AS 92-9, Conversion Systems, Inc., by a vote of 5-0. (JTM)

Agency motion for additional time to respond to Petitioners' second amended petition was granted until January 29, 1993, in #AS 92-11, Joint Petition of Navistar International Transportation and the Manufacturers Association, by a vote of 5-0. (JTM)

Agency motion for additional time to respond to Petitioners' second amended petition was granted until January 29, 1993, in #AS 92-12, Joint Petition of Cummins Engine Company and the Manufacturers Association, by a vote of 5-0. (JTM)

An Order directing the parties to file another status report on or before April 7, 1993, was adopted in #91-87, Olin Corporation, by a vote of 5-0. (JCM)

An Order directing the Petitioner to file a status report on or before February 8, 1993, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 5-0. (JCM)

Petitioner's motion for voluntary dismissal was granted in #91-134, Safety-Kleen Corporation, by a vote of 5-0. (JCM)

Petitioner's motion to dismiss was granted in #91-262, The Pumper, by a vote of 5-0. (GTG)

Petitioner's motion for reconsideration was denied and the Board reaffirmed its October 16, 1992 Opinion and Order in #92-83, Harlem Township, by a vote of 5-0. (BF)

Petitioner's motion for reconsideration was denied and the Board reaffirmed its October 29, 1992 Opinion and Order in #92-87, Ramada Hotel, O'Hare, by a vote of 5-0. (JCM)

By a vote of 5-0, Petitioner's motion to continue the stay of proceedings in #92-105, Weyerhaeuser Company, was granted through May 17, 1993. (JCM)

An Order denying Complainants' motion to strike and granting Respondent's motion to file nunc pro tunc, was adopted in #92-127, City of Des Plaines, by a vote of 5-0. (RCF)

An Order, finding that Petitioner's response to the Agency's Recommendation was not timely filed and will not be considered by the Board, requiring that the Petitioner file by February 1, 1993, with service upon the Objector, an Amended Petition in compliance with Section 104.121 if it wishes to pursue alternatives to dewatering of the CKD pond, was adopted in #92-134, Lone Star Industries, by a vote of 5-0. (BF)

An Order denying Respondents' request to extend the time for filing briefs, requesting the Hearing Officer to file by January 14, 1993, a statement regarding the compliance or non-compliance with his instructions and directives, advising Respondents' that the Board

anticipates ruling on its motions to strike and for sanctions at the Board's February 4, 1993 Board meeting as part of the final Opinion and Order, and instructing the Clerk of the Board to provide copies of the Order to the Hearing Officer and all parties by facsimile transmission in addition to the regular service, was adopted in #92-156, Citizens Against Regional Landfill, by a vote of 4-0. J Theodore Meyer abstained. (BF)

Agency motion to file the Record Instanter was granted in #92-171, Phillips 66 Company, by a vote of 5-0. (GTG)

Agency motion to file the Record Instanter was granted in #92-173, Illico Independent Oil, by a vote of 5-0. (JTM)

Petitioners' motion to sanction was denied in ##92-174, -177, Village of Summit, by a vote of 5-0. (JA)

Petitioner's motion to extend the time to file its amended petition was granted until January 19, 1993, in #92-180, We-Shred-It, by a vote of 5-0. (JTM)

Agency motion to extend the time to file its response to Petitioner's variance request was granted until February 3, 1993, in #92-182, Spectrulite Consortium, by a vote of 5-0. (GTG)

Agency motion to file the Record Instanter was granted in #92-183, Archdiocese of Chicago, by a vote of 5-0. (RCF)

Agency motion to file the Record Instanter was granted in #92-184, Braun's Standard Service, by a vote of 5-0. (JCM)

Petitioner's motion to dismiss was granted in #92-194, Ryder Truck Rental, by a vote of 5-0. (BF)

Respondent, Village of McCook's motion to reconsider a December 17, 1992 Board Order, was denied in ##92-198, -201, Citizens for A Better Environment, by a vote of 5-0. (RCF)

These cases were discussed and held to January 21, 1993 for further discussion or possible decision: ##AS 91-6, Dart Container Corporation; 91-30, Susan Curtis & Marcy Diesing; 92-131, Laidlaw Waste Systems.

These regulatory matters were discussed and held to January 21, 1993 for further discussion or possible decision: R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Adopted Rule, Final Order, Opinion and Order; R92-13, UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Adopted Rule, Final Order, Opinion and Order.

In Amended Petition #92-202, Veach Oil Company, these actions were taken by a vote of 5-0: Accepted for hearing, and Agency motion to dismiss was denied as moot. (GTG)

In new cases these actions were taken by a vote of 5-0: ##92-178, John and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClairen, Cove Development Company, Thomas O'Brien and Gary Lakin, held for duplicitous/frivolous determination and Complainants' motion for an extension of time to respond to Respondents' motion for leave to strike or dismiss, was granted until January 20, 1993, Order by R.C. Flemal; 92-209, A.B. Dick Company v. EPA, accepted for hearing, Order by G.T. Girard; 92-210, Estate of Larry Junkin, by Patricia Junkin, Executrix v. EPA, accepted for hearing, Order by B. Forcade; 92-211, Safety-Kleen Corporation (Urbana Facility) v. EPA, additional information requested, Order by J. Theodore Meyer; 92-212, Pekin Metro Landfill v. EPA, accepted for hearing, Order by R.C. Flemal; 92-213, People of the State of Illinois v. Atwood Industries, Inc., hearing mandatory; 92-214, Legg and Sons Oil Company v. EPA, additional information requested, Order by J. Theodore Meyer; 92-215, Douglas Locke and Nancy Locke v. Biltmore Country Club, held for duplicitous/frivolous determination; 92-216, U.S. Department of the Army (Rock Island Arsenal) v. EPA, additional information requested, Order by B. Forcade; 92-217, General Chemical Corporation v. EPA, accepted for hearing, Order by B. Forcade; 93-1, Pekin Metro Landfill v. EPA, accepted for hearing, Order by B. Forcade; 93-2, Jay Aguilar v. Venus Laboratories, Inc., held for duplicitous/frivolous determination; 93-3, People of the State of Illinois v. Archer Daniel Midland Company (Peoria Facility), hearing mandatory; 93-4, Olin Corporation (Marion Plant) v. EPA, Petitioner's motion for leave to appear granted and accepted for hearing, Order by B. Forcade; 93-5, Acme Resin Corporation v. EPA, provisional variance granted, Order by J.C. Marlin; 93-6, Lake Landfill Gas Recovery Facility v. EPA, provisional variance granted, Order by J.C. Marlin.

This Administrative Citation was received by the Board: #93-1, County of Will v. American Fly Ash Company.

In New Adjusted Standards these actions were taken by a vote of 5-0: ##92-13, Alumax, Inc., additional information requested, Order by B. Forcade; 92-14, Quantum Chemical Corporation, USI Division, Agency motion to extend the time to file its response was granted until February 22, 1993, Order by R.C. Flemal.

Minutes of the December 17, 1992 Board Meeting were approved by a vote of 5-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of January, 1993 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 7, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 91-45 Rochelle Disposal Service (JCM)
(A & B) _____
- 91-194 Village of Cedarville (BF)

- * 92-144 City of Highland (JCM) (due 2/4)

- 92-149 People of the State of Illinois v. Oak Valley Wood
Products, Inc. (JCM) (Stip)

- 92-186 People of the State of Illinois v. Hill Concrete
Products, Inc. (JCM) (Stip)

- 92-190 People of the State of Illinois v. Loop Transfer,
Inc. (JCM) (Stip)

- 92-192 People of the State of Illinois v. SK Hand Tool
Corporation (JCM) (Stip)

- R89-17 Application of California Motor Vehicle Control
(C) Program in Illinois, Proposed Rule, Dismissal
Order, Opinion and Order (RCF)

AC DECISIONS:

- 92-81 First Baptist Church of Cahokia _____
- 92-82 Carl Green _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- AC 92-5 Ronald & Retha Rawe - Agency motion for reconsideration of October 16, 1992 Opinion and Order (11/23) (GTG)
-
- AS 91-10 Cabot Corporation - Petitioner's motion to stay adjusted standard determination or in the alternative for leave to file voluntary dismissal without prejudice (12/15) (JA)
-
- AS 92-4 Detroit Diesel Corporation - Agency motion for additional time to respond to second amended petition (12/21) (JTM)
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- AS 92-9 Conversion Systems - Petitioner's motion for leave to file reply to Agency response (12/23), Agency motion for leave to file answer to Petitioner's reply to Agency response (1/4) (JTM)
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- AS 92-11 Navistar International - Agency motion for additional time to respond to second amended petition (12/21) (JTM)
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- AS 92-12 Cummins Engine Company - Agency motion for additional time to respond to second amended petition (12/21) (JTM)
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- 85-140 Citizens Utilities - Petitioner's motion for rehearing (11/18) (MN)
-
- 91-53 Enamelers & Japanners - Complainant's motion for leave to file second amended complaint (12/28) (JTM)
-
- 91-87 Olin Corporation - joint status report in response to November 19, 1992 Board Order (1/6) (JCM)
-
- 91-94 Safety-Kleen Corporation - Petitioner's status report in response to December 17, 1992 Board Order (12/30) (JCM)
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MOTIONS: (Cont'd)

- 91-134 Safety-Kleen Corporation - Petitioner's status report in response to December 17, 1992 Board Order (12/30), Petitioner's motion for voluntary dismissal (1/4) (JCM)
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- 91-262 The Pumper - Petitioner's motion to dismiss appeal (1/4) (GTG)
-
- 92-54 ESG Watts - Agency motion for reconsideration of October 29, 1992 Board Order (12/4) (MN)
-
- 92-68 Chem-Plate Industries - Complainant's motion to strike affirmative defenses (12/7), Complainant's motion for summary judgment (12/11) (JA)
-
- 92-81 James Lynch - Agency motion for reconsideration of November 19, 1992 Opinion and Order (12/24) (JTM)
-
- 92-83 Harlem Township - Petitioner's motion for reconsideration of October 16, 1992 Board Order (12/22), Agency motion for leave to file response to Petitioner's motion for reconsideration Instanter (1/4) (BF)
-
- 92-87 Ramada Hotel, O'Hare - Petitioner's motion for reconsideration of October 29, 1992 Board Order (12/3), Agency response to Petitioner's motion for reconsideration (12/10) (JCM)
-
- 92-105 Weyerhaeuser Company - Petitioner's status report and motion to continue stay (12/30) (JCM)
-
- 92-118 Ideal Heating Company - Petitioner's motion for summary judgment (12/4) (JTM)
-
- 92-119 Yolanda Price - Complainant's motion for reconsideration of November 19, 1992 Board Order (12/22), Respondents' response to Complainant's motion for reconsideration (1/5) (JCM)
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MOTIONS: (Cont'd)

- 92-127 City of Des Plaines - Complainants' motion to strike Respondent's Affirmative Defenses (12/28), Respondent's response to Complainants' motion to strike and motion for leave to file Affirmative Defenses Nunc Pro Tunc (1/4) (RCF)
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- 92-132 Leroy Brown & Sons - Petitioner's motion to compel completion of record (1/4) (GTG)
-
- 92-134 Lone Star Industries - Petitioner's motion for modification (12/30) (BF)
-
- 92-156 Citizens Against Regional Landfill - Respondent Waste Management's emergency motion to strike Petitioner's Brief (1/6) (BF)
-
- 92-171 Phillips 66 Company - Agency motion for summary judgment and Memorandum of Law (12/30); Agency motion to file Record Instanter (12/31), Petitioner's opposition to Respondent's motion for summary judgment (1/6) (MN)
-
- 92-173 Illico Independent Oil - Agency motion to file Record Instanter (12/22) (JTM)
-
- 92-174) Village of Summit - Petitioners' motion to
92-177) sanction (12/23) (JA)
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- 92-180 We-Shred-It, Inc. - Petitioner's motion to extend time to file amended petition (12/29) (JTM)
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- 92-182 Spectrulite Consortium - Agency motion to extend time to file response (12/21) (MN)
-
- 92-183 Archdiocese of Chicago - Agency motion for summary judgment and Memorandum of Law (12/31), Agency motion to file record Instanter (1/4) (RCF)
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MOTIONS: (Cont'd)

92-184 Braun's Standard Service - Agency motion to file Record Instanter (12/24) (JCM)

92-194 Ryder Truck Rental - Petitioner's motion to dismiss (12/23) (MN)

92-198) Citizens for A Better Environment - Village of
92-201) McCook's motion to reconsider December 17, 1992 Board Order (1/4) (RCF)

92-207 Environtech et al. - Respondent City of Morris' motion to dismiss with prejudice (1/5) (JTM)

DISCUSSIONS:

AS 91-6 Dart Container Corporation (JCM)

91-30 Susan Curtis & Marcy Diesing (JCM)

* 92-131 Laidlaw Waste Systems (MN) (due 1/21)

REGULATORY DISCUSSIONS:

92-10 RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Adopted Rule, Final Order, Opinion and Order (JA)

92-13 UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Adopted Rule, Final Order, Opinion and Order (JA)

AMENDED PETITIONS:

92-202 Veach Oil Company (filed 1/5) (See also Agency motion to dismiss 12/28) (GTG)

NEW CASES:

- 92-178 John Zarlenga and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClairien, Cove Development Company, Thomas O'Brien and Gary Lakin (See also Respondents' motion for leave to file Respondents' motion to strike or dismiss complaint Instanter 12/11; Complainants' response to motion to dismiss (12/21); Complainants' motion for extension of time to respond to Respondents' motion to dismiss or strike complaint (1/4) (JA)
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- 92-209 A.B. Dick Company v. EPA (GTG)
-
- 92-210 Estate of Larry Junkin, by Patricia Junkin, Executrix v. EPA (BF)
-
- 92-211 Safety-Kleen Corporation (Urbana Facility) v. EPA (JTM)
-
- 92-212 Pekin Metro Landfill v. EPA (JA)
-
- 92-213 People of the State of Illinois v. Atwood Industries Inc. (JCM)
-
- 92-214 Legg and Sons Oil Company v. EPA (JTM)
-
- 92-215 Douglas Locke and Nancy Locke v. Biltmore Country Club (RCF)
-
- 92-216 U.S. Department of the Army (Rock Island Arsenal) v. EPA (MN)
-
- 92-217 General Chemical Corporation v. EPA (BF)
-
- 93-1 Pekin Metro Landfill v. EPA
-
- 93-2 Jay Aguilar v. Venus Laboratories, Inc.
-
- 93-3 People of the State of Illinois v. Archer Daniel Midland Company (Peoria Facility)
-

NEW CASES: (Cont'd)

93-4 Olin Corporation (Marion Plant) v. EPA (See also
Petitioner's motion for leave to appear (1/5))

93-5 Acme Resin Corporation v. EPA (Provisional
Variance) (JCM)

93-6 Lake Landfill Gas Recovery Facility (Provisional
Variance) (JCM)

NEW AC CASES:

93-1 County of Will v. American Fly Ash Company

AMENDED ADJUSTED STANDARDS:

92-10 Southern Illinois Power Cooperative (filed 12/11)
(BF)

NEW ADJUSTED STANDARDS:

92-13 Alumax, Inc. (See also Agency request for extension
of time to respond filed 12/14) (BF)

92-14 Quantum Chemical Corporation, USI Division (See
also Amended Petition (filed 12/18); Petitioner's
Certificate of Publication (12/21); Agency motion
to extend time to file Agency response (12/23) (RCF))

MINUTES:

December 17, 1992

PENDING CASES ASSIGNED:

85-95 Citizens Utilities Company (JA) (Appellate Court Remand)

* 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 6/17)

90-137 Laidlaw Waste Systems (JTM) (Appellate Court Remand) (JTM)

90-146 Village of Matteson (BF)

90-170 Goose Lake Association (JA)

90-182 Ronald & Susan Tex (GTG)

AS 91-3 Peoria Disposal (MN)

AS 91-9 City of East Moline (RCF) (due 3/25)

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 6/17)

* 91-17 B.F. Goodrich Corporation (RCF) (due 3/25)

AC 91-45 Rochelle Disposal Service (JCM)

91-50 Karl & Helen Christ (MN)

91-56 Douglas Furniture (JA) (due 6/3)

* 91-71 Douglas Furniture (GTG) (due 6/17)

* 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)

91-194 Residents of Cedarville (BF)

91-195 Scott A. & Karen Thomas (BF)

* 91-202 Sherex Chemical Company (MN) (due 4/8)

* 91-262 The Pumper, Inc. (GTG) (due 2/25)

AS 92-4 Detroit Diesel Corporation (JA)

AC 92-5(B) Ronald & Retha Rawe (GTG)

AS 92-6 C.J. Goodall Tire Company (GTG)

AS 92-7 Illinois Power Company (BF)

AS 92-8 Cabot Corporation (JA)

AS 92-9 Conversion Systems, Inc. (JA)

AS 92-10 Southern Illinois Power (BF)

* 92-10 Kelly Williamson Company (BF) (due 4/8)

* 92-23 The Grigoleit Company (JA) (due 4/22)

92-26 Dale & Deborah Dettlaff (BF)

AC 92-33 James Alexander (MN)

AC 92-37(B) Gerald B. Miller (BF)

PENDING CASES ASSIGNED: (Cont'd)

AC 92-41 Lakewood Homes (BF)
AC 92-51(B) John & Nina McCullum (JCM)
AC 92-64 City of Rochelle (JCM)
92-74 Kenneth & Cynthia Metvier (JTM)
* 92-90 Robertson-Ceco (GTG) (open waiver)
* 92-104 Roger Malkey (RCF) (due 3/25)
* 92-105 Weyerhauser Company (JCM) (open waiver)
92-117 IEI Barge Services (RCF) (open waiver)
* 92-118 Ideal Heating Company (JTM) (open waiver)
* 92-120 Amerock Corporation (JTM) (due 2/4)
92-121 Minesota Mining & Manufacturing (JA)
* 92-122 F & R Enterprises (GTG) (due 5/6)
* 92-123 Chemrex, Inc. (JA) (due 2/4)
* 92-124 Mercantile Bank of St. Louis (BF) (open waiver)
* 92-125 Mercantile Bank of St. Louis (BF) (open waiver)
* 92-126 Safety-Kleen Corporation (MN) (open waiver)
92-127 City of Des Plaines et al. (RCF)
* 92-132 LeRoy Brown & Sons (GTG) (due 2/4)
* 92-134 Lone Star Industries (BF) (due 3/25)
* 92-136 Safety-Kleen Corporation (MN) (open waiver)
* 92-140 Motor Wheel Corporation (BF) (open waiver)
92-142 Illinois Power Company (GTG)