

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 9, 1993 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #90-137, Village of Roxana, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #92-69, People of the State of Illinois v. Patterson Gear & Machine, Inc., by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #93-56, People of the State of Illinois v. World Color Press, Inc., by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #93-94, People of the State of Illinois v. Cooper Tools, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #93-144, People of the State of Illinois v. Anchor Glass Container Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

In R87-37, Public Water Supply Cross-Connections, a Proposed Rule, Dismissal Order, was adopted by a vote of 7-0. J. Anderson concurred. (GTG)

In R93-2, Pretreatment Update, USEPA Regulations (July 1, 1992 through December 31, 1992), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R93-9, Omnibus Cleanup of the Volatile Organic Material RACT Rules, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF) (Thereafter, J. Anderson thanked Michael McCambridge for his contributions in drafting the final rules in R93-2, Pretreatment Update)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##93-23, Robert and Rita Frohwitter and Jim Withers; 93-26, John Jennings; 93-28, E & E Hauling.

Agency motion to withdraw the administrative citation was granted in #AC 93-37, John R. Eller, by a vote of 7-0. (CAM)

An Order directing the parties to file a revised status report on or before December 10, 1993, was adopted in #90-215, Spraying Systems, by a vote of 7-0. (JA)

An Order granting the joint motion to stay until after December 31, 1993, was adopted in #91-38, American Waste Processing, by a vote of 7-0. (BF)

An Order directing the parties to file an updated status report on or before October 15, 1993, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 7-0. (CAM)

An Order directing the parties to file an updated status report on or before December 1, 1993, was adopted in #91-257, Commonwealth Edison Company, by a vote of 7-0. (MN)

Complainants' motion for reconsideration of a July 1, 1993 Board Order was denied in #92-26, Dale & Deborah Dettlaff, by a vote of 7-0. (BF)

An Order directing the parties to file a status report on or before November 20, 1993, was adopted in #92-99, A.B. Dick Company, by a vote of 6-0. B. Forcade abstained. (CAM)

An Order directing the parties to file a status report with the Board to be received by the Board no later than December 9, 1993, was adopted in #92-143, Dietzgen Corporation, by a vote of 7-0. (GTG)

By a vote of 7-0, the Board granted the Petitioner's supplemental motion for reconsideration, vacated its Order of July 22, 1993, reinstated the case, and directed the hearing officer to establish a new hearing schedule in #92-200, Ron's Interstate Sunoco. (RCF)

Petitioner's motion to supplement the record was granted in #93-73, J & M Plating, by a vote of 7-0. (JA)

Agency withdrawal of appearance was granted in #93-105, Divane Brothers Electric Company, by a vote of 7-0. (RCF)

Petitioners' motion to reconsider standing was denied in #93-106, Illinois Landfills, by a vote of 6-1. B. Forcade dissented, and G. Tanner Girard and C. Manning concurred. (JTM)

Agency motion to extend the time to file the Agency recommendation was granted until October 27, 1993, in #93-139, Ensign-Bickford, by a vote of 7-0. (CAM)

Agency motion to file the record instanter was granted in #93-142, HACO, Inc., by a vote of 6-0. M. Nardulli abstained. (RCF)

These cases were discussed and were ordered held to September 23, 1993 for further discussion or possible decision: ##AC 91-32 (Dockets A & B), Rochelle Disposal Service; 91-173, Marathon Oil (Appellate Court Remand); AS 92-7, Illinois Power Company; AC 92-86 (Dockets A & B), Al Seaman; AC 93-6 (Dockets A & B), Ruth & Steve Sheppard; 93-106, Illinois Landfills, Inc.

These regulatory matters were discussed and were ordered held to September 23, 1993 for further discussion or possible decision:

R90-26, Landfill Amendments, Foundry & Steel, Proposed Rule, Second First Notice, Opinion and Order; R92-17, U.S. Army Corps River Dredging, Proposed Rule, First Notice, Opinion and Order; R93-4, RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Adopted Rule, Final Order, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: ##93-150, Robert Miehle v. Chicago Bridge & Iron Company, accepted for hearing, **Order by C. Manning**; 93-153, The Grigoleit Company v. EPA, proceedings dismissed, **Order by G. Tanner Girard**; 93-156, LaSalle National Bank T/U/T 46099 v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 93-157, People of the State of Illinois v. Lisle Park District and R.L. Smith Construction, Inc., Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the statutory 21 day notice has passed, **Order by C. Manning**; 93-158, Wheaton Park District v. EPA, accepted for hearing, **Order by B. Forcade**; 93-159, Perma-Treat of Illinois, Inc. v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-160, People of the State of Illinois v. Naperville Asphalt, Inc., hearing mandatory; 93-161, Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge, **held for duplicitous/frivolous determination**; 93-162, Wilmer Brockman, Jr. and First Midwest Bank of Joliet, as Trustee Under Trust no. 757 v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-163, Villages of Granville & Mark v. EPA, held for Agency Recommendation; 93-164, Village of North Aurora v. EPA, held for Agency Recommendation; 93-165, Connecticut Mutual Life Insurance Company v. EPA, accepted for hearing but case will not be forced to hearing although Petitioner did not request a stay, Petitioner's statement that it waives its right to a hearing within 90 days was construed by the Board as an open waiver, parties were ordered to file status reports to keep the Board informed of the progress of the case, first status report shall be filed with the Board on or before December 10, 1993, and subsequent status reports shall be filed every 90 days thereafter, or sooner if circumstances warrant, **Order by J. Theodore Meyer**; 93-166, Mobil Oil Corporation v. EPA, additional information requested, B. Forcade concurred, **Order by R.C. Flemal**; 93-167, Illinois Department of Transportation v. EPA, provisional variance granted, **Order by C. Manning**; 93-168, The Knapheide Manufacturing Company v. EPA, provisional variance granted, **Order by C. Manning**; 93-169, The Knapheide Manufacturing Company v. EPA, additional information requested, **Order by C. Manning**; 93-170, Nestle Food Company v. EPA, provisional variance granted, **Order by C. Manning**; R93-16, RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-17, UIC Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-18, UST Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-19, Safe Drinking Water Act Update, USEPA Regulations

(January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-20, Pretreatment (NPDES) Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-21, VOM Exemptions Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-22, RCRA Subtitle D Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**; R93-23, State Contingency Plan Update, USEPA Regulations (January 1, 1993 through June 30, 1993), **Docket Reserved**.

By a vote of 7-0, this administrative citation was accepted by the Board: #93-40, Sangamon County v. Carl Sennings.

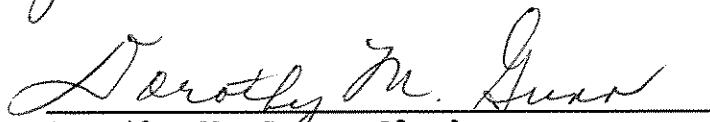
By a vote of 7-0, amended adjusted standard #93-1, Quantum Chemical Corporation, was accepted and the matter will proceed to hearing. (CAM)

Additional information was requested in new adjusted standard #93-8, AKZO Chemicals, Inc., by a vote of 7-0.

Minutes of the August 20, 1993 Special Board Meeting were approved by a vote of 5-0. Drs. R.C. Flemal and G. Tanner Girard abstained.

Minutes of the August 26, 1993 Regular Board Meeting were approved by a vote of 6-0. Board Member J. Theodore Meyer abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 23rd day of September, 1993, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

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

DECISIONS:

- 90-137 Village of Roxana (JTM)
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- 92-69 People of the State of Illinois v. Patterson Gear & Machine, Inc. (JTM) (Stipulation)
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- 93-56 People of the State of Illinois v. World Color Press, Inc. (JTM) (Stipulation)
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- 93-94 People of the State of Illinois v. Cooper Tools (MN) (Stipulation)
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- 93-144 People of the State of Illinois v. Anchor Glass Container Corporation (CAM) (Stipulation)
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- R87-37 Public Water Supply Cross-Connections, Proposed Rule, Second Notice, Opinion and Order (GTG)
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- R93-2 Pretreatment Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Adopted Rule, Final Order, Opinion and Order (JA)
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- R93-9 Omnibus Cleanup of the Volatile Organic Material RACT Rules, Adopted Rule, Final Order, Opinion and Order (BF)
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- R93-10 RCRA Subtitle D Amendments, Adopted Rule, Final Order, Opinion and Order (JA)
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* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

- 93-22 Saline County Landfill and David L. and John O. Fitzpatrick
- 93-23 Robert and Rita Frohwitter and Jim Withers
- 93-26 John Jennings
- 93-28 E & E Hauling
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MOTIONS:

- AC 93-19 Laidlaw Waste Systems - Respondent's Motion to Dismiss Appeal (9/7) (BF)
- AC 93-37 John R. Eller - Agency Motion to Withdraw Administrative Citation (9/1) (CAM)
- 90-215 Spraying Systems - Joint status report in response to July 22, 1993 Board Order (9/7) (JA)
- 91-38 American Waste Processing - Joint Motion to Stay Proceedings (9/2) (BF)
- 91-94 Safety-Kleen Corporation - Petitioner's status report in response to June 17, 1993 Board Order (9/1) (CAM)
- 91-257 Commonwealth Edison Company - Petitioner's status report in response to July 1, 1993 Board Order (9/1) (MN)
- 92-26 Dale & Deborah Dettlaff - Complainants' Motion for Reconsideration of July 1, 1993 Board Order (8/2), Respondents' Response in Opposition to Complainants' Motion for Reconsideration (8/12) (BF)
- 92-67 Escast, Inc. - Complainant's motion to amend the Complaint and Amended Complaint (8/31) (RCF)
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MOTIONS: (Cont'd)

- 92-99 A.B. Dick Company - Joint status report in response to May 20, 1993 Board Order (9/3) (CAM)
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- 92-143 Dietzgen Corporation - Joint status report in response to July 22, 1993 Board Order (8/31) (GTG)
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- 92-200 Ron's Interstate Sunoco - Petitioner's Supplemental Motion to Reconsider (9/3) (RCF)
-
- 93-60) Industrial Salvage - Agency Motion for Summary
93-61) Judgment (8/10) (RCF)
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- 93-73 J & M Plating - Petitioner's Motion to Supplement Administrative Record (8/23) (JA)
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- 93-105 Divane Brothers Electric Company - Agency Withdrawal of Appearance (9/7) (RCF)
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- 93-106 Illinois Landfills - Petitioners' Motion to Reconsider Standing (9/1), Respondent Illinois Landfills' Response to Petitioners' Motion to Reconsider Standing (9/3) (JTM)
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- 93-139 Ensign-Bickford - Agency Motion to Extend Time to file Agency Recommendation (8/27), Petitioner's Response to Agency Motion to Extend Time to File Agency Recommendation (9/2) (CAM)
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- 93-142 HACO, Inc. - Agency Motion to File Record Instantly (8/27) (RCF)
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DISCUSSIONS:

- AC 91-32 Rochelle Disposal Service (CAM)
 (A & B)
-
- 91-173 Marathon Oil (Appellate Court Remand) (RCF)
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DISCUSSIONS: (Cont'd)

- AS 92-7 Illinois Power Company (BF) _____
- AC 92-86 Al Seaman (CAM) _____
(A & B)
- AC 93-6 Ruth & Steve Sheppard (CAM) _____
(A & B)
- * 93-106 Illinois Landfills, Inc. (JTM) (due 9/23)

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REGULATORY DISCUSSIONS:

- R90-26 Landfill Amendments, Foundry & Steel, Proposed Rule, Second First Notice, Opinion and Order (JA)

- R92-17 U.S. Army Corps River Dredging, Proposed Rule, First Notice, Opinion and Order (RCF)

- R93-4 RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), Adopted Rule, Final Order, Opinion and Order (JA)

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NEW CASES:

- 93-150 Robert Miehle v. Chicago Bridge & Iron Company (CAM) _____
- 93-153 The Grigoleit Company v. EPA (GTG)

- 93-156 LaSalle National Bank T/UT 46099 v. EPA (JTM)

- 93-157 People of the State of Illinois v. Lisle Park District and R.L. Smith Construction, Inc. (See also Agreed Motion to Request Relief from Hearing Requirement filed 8/30) (CAM)

- 93-158 Wheaton Park District v. EPA (BF)

NEW CASES: (Cont'd)

- 93-159 Perma-Treat of Illinois, Inc. v. EPA (GTG)

- 93-160 People of the State of Illinois v. Naperville Asphalt, Inc. (BF) _____
- 93-161 Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge (CAM) _____
- 93-162 Wilmer Brockman, Jr. and First Midwest Bank of Joliet, as Trustee Under Trust No. 757 v. EPA (GTG)

- 93-163 Villages of Granville & Mark v. EPA (MN)

- 93-164 Village of North Aurora v. EPA (MN)

- 93-165 Connecticut Mutual Life Insurance Company v. EPA (JTM) _____
- 93-166 Mobil Oil Corporation v. EPA (RCF)

- 93-167 Illinois Department of Transportation v. EPA (Provisional Variance) (CAM)

- 93-168 The Knapheide Manufacturing Company v. EPA (Provisional Variance) (CAM)

- 93-169 The Knapheide Manufacturing Company v. EPA

- 93-170 Nestle Food Company v. EPA (Provisional Variance) (CAM) _____
- R93-16 RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-17 UIC Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)

NEW CASES: (Cont'd)

- R93-18 UST Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-19 Safe Drinking Water Act Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-20 Pretreatment (NPDES) Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-21 VOM Exemptions Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-22 RCRA Subtitle D Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
- R93-23 State Contingency Plan Update, USEPA Regulations (January 1, 1993 through June 30, 1993) (Docket Reserved)
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NEW AC CASES:

- 93-40 Sangamon County v. Carl Sennings_____
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AMENDED ADJUSTED STANDARDS:

- 93-1 Quantum Chemical Corporation (filed 8/23) (CAM)
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NEW ADJUSTED STANDARDS:

- 93-8 AKZO Chemicals, Inc. (BF)
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MINUTES:

August 20, 1993 (Special Board Meeting)_____

August 26, 1993_____