

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 4, 1993 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning announced that this would be Board Member Joan Anderson's last meeting with the Board, and then extended her thanks and appreciation to Mrs. Anderson for the valuable services rendered to the Board. Thereafter, Board Member, Dr. Ronald Flemal, also extended his appreciation to Mrs. Anderson for her services to the Board. All Board Members were present.

An opinion and order was adopted in #92-68, People of the State of Illinois v. Chem-Plate Industries, Inc., by a vote of 6-0. (JA)

An opinion and order was adopted in #AS 93-3, Joint Petition of Douglas Furniture of California and the Environmental Protection Agency, by a vote of 6-0. (JA)

An opinion and order was adopted in #AC 93-6 (Dockets A & B), Ruth and Steve Sheppard, by a vote of 6-0. (CAM)

An opinion and order was adopted in #93-147, Village of Grantfork, by a vote of 6-0. (JTM)

An opinion and order was adopted in #93-163, Villages of Granville and Mark, by a vote of 6-0. (MN)

In R93-28, Stage II Vapor Recovery in the Metro East Area: Repeal of 35 Ill. Adm. Code 219.586, a Proposed Rule, First Notice, opinion and order was adopted by a vote of 6-0. (RCF)

Default orders were adopted in these Administrative Citations by a vote of 6-0: ##93-40, Carl Sennings; 93-41, Stanley Ray Stewart; 93-43, Joseph & Della Powell; 93-44, Atkinson Landfill.

Respondent's motion to reconsider was granted, and upon reconsideration, the Board affirmed its September 23, 1993 order in #AC 91-31 (Dockets A & B), Rochelle Disposal Service, by a vote of 6-0. (CAM)

Respondent's motion for leave to file an amended motion to reconsider instanter was granted, and upon reconsideration, the Board affirmed its August 26, 1993 Board order in #AC 92-64 (Dockets A & B), Rochelle Disposal Service, by a vote of 6-0. (CAM)

Complainant's motion to dismiss was granted in #AC 93-55, Lou Messervy, by a vote of 6-0. (CAM)

An order requesting interested persons to review the existing record and provide the Board with any information necessary to

bring the record up-to-date no later than December 10, 1993, or the Board will decide the matter on its merits as soon thereafter as is consistent with the Board's agenda and resources, was adopted in #AS 92-8, Cabot Corporation, by a vote of 6-0. (JA)

An order accepting the waiver of the decision deadline until May 2, 1994, granting a stay in the matter until January 20, 1994, and directing the parties to file an updated status report on or before January 4, 1994, was adopted in ##90-164, -91-161, Riverside Laboratories, by a vote of 6-0. (CAM)

An order accepting the waiver of the decision deadline until May 2, 1994, granting a stay in the matter until January 20, 1994, and directing the parties to file an updated status report on or before January 4, 1994, was adopted in #90-165, Riverside Laboratories, by a vote of 6-0. (CAM)

An order advising the petitioner that the Board will not stay the proceeding for 120 days pending the outcome of a petition for an adjusted standard which has not yet been filed with the Board, and directing the petitioner to file an updated status report no later than January 15, 1994, was adopted in ##91-28, -92-2, Acme Steel Company, by a vote of 6-0. (JTM)

An order directing the parties to file status reports with the Board by December 3, 1993, was adopted in #91-86, Raymond and Mary Moore, by a vote of 6-0. (JA)

By a vote of 6-0, the Board granted a joint motion to reconsider and modify an October 21, 1993 order, and on its own motion, corrected another error in the order, in #91-157, The Grigoleit Company. (JA)

An order accepting the status report and directing the petitioner to file an updated status report no later than February 4, 1994, was adopted in #91-206, Clayton Chemical Company, by a vote of 6-0. (JTM)

An order granting the petitioner's motion to voluntarily dismiss, was adopted in #91-234, Safety-Kleen Corporation, by a vote of 6-0. (CAM)

An order granting the petitioner's motion to withdraw, was adopted in #91-257, Commonwealth Edison Company, by a vote of 6-0. (MN)

An order directing the parties to file status reports with the Board no later than December 3, 1993, was adopted in #92-60, Kean Oil Company, by a vote of 6-0. (JA)

An order directing the parties to file a status report with the Board no later than December 3, 1993, was adopted in #92-102, Moline/Dutchway Dry Cleaners, by a vote of 6-0. (JTM)

An order accepting the status report and directing the parties to

file an updated status report on or before February 3, 1994, was adopted in #92-168, Edwards-Etherton Oil Company, by a vote of 6-0. (CAM)

By a vote of 6-0, the Board, on its own motion, directed the petitioner to file a status report with the Board by February 4, 1994, in #92-176, Central Can Company. (JTM)

An order accepting the status report and directing the petitioner to file an updated status report on or before February 3, 1994, was adopted in #92-184, Braun's Standard Service, by a vote of 6-0. (CAM)

An order directing the parties to file an additional status report to be received by the Board no later than February 15, 1993, was adopted in #92-196, Safety-Kleen Corporation, by a vote of 6-0. (GTG)

An order directing the parties to file a status report with the Board no later than December 3, 1993, was adopted in #92-214, Legg and Sons Oil, by a vote of 6-0. (JTM)

An order directing the parties to file a status report with the Board no later than December 3, 1993 which shall indicate the status of negotiations between the parties, and include a projection as to the timing of further proceedings before the Board, was adopted in #93-12, H & H Towing - Phillips 66, by a vote of 6-0. (JTM)

An order directing the petitioner to file a status report with the Board by February 4, 1994, was adopted in #93-39, Kewanee Community Unit School District No. 229, by a vote of 6-0. (JTM)

An order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from hearing, and advising the parties that the Board will reserve ruling upon its request until after the statutory 21 day notice has passed, was adopted in #93-57, Illinois Ayers Oil Company, by a vote of 6-0. (JTM)

An order directing the parties to file a status report to be received by the Board no later than December 1, 1993, was adopted in #93-71, Indian Refining Company, by a vote of 6-0. (GTG)

Petitioner's motion for leave to file its response to the Agency's recommendation instanter was granted in #93-72, Atlanta Meadows, by a vote of 6-0. (CAM)

Petitioner's motion for voluntary dismissal was granted in #93-76, Nicor National Illinois, by a vote of 6-0. (RCF)

An order directing the Clerk of the Board to cause publication of

the required newspaper notice of the parties' request for relief from hearing, and advising the parties that the Board will reserve ruling upon its request until after the statutory 21 day notice has passed, was adopted in #93-92, Elkay Manufacturing Company, by a vote of 6-0. (CAM)

An opinion and order granting the Agency's second motion for summary judgment, and denying Petitioner's second cross-motion for summary judgment, was adopted in #93-105, Divane Brothers Electric Company, by a vote of 5-1. J. Anderson dissented. (RCF)

An order denying petitioners' motion to dismiss and request for sanctions, but granting petitioners' motion for an extension of time until November 19, 1993 for filing its response to motions for reconsideration filed by Illinois Landfills, Inc. and City of Hoopeston, was adopted in #93-106, Illinois Landfills, by a vote of 6-0. (JTM)

An order advising the parties that the Board will continue to postpone consideration of the stipulation and proposal for settlement until the completion of the negotiations between the parties pursuant to its request, and directing the respondent to file an additional status report with the Board by January 3, 1994, was adopted in #93-118, Marsco Manufacturing Company, by a vote of 6-0. (JA)

Petitioner's motion to dismiss was granted in #93-140, CP Inorganics, by a vote of 6-0. (JA)

An order denying respondent's motion to dismiss, and the matter shall proceed to hearing, was adopted in #93-150, Robert Miehle, by a vote of 6-0. (CAM)

An order granting the Agency's motion for leave to file its recommendation instanter, and petitioner's request for hearing, was adopted in #93-151, Mobil Oil Corporation, by a vote of 6-0. (JTM)

Agency motion to file the record instanter was granted in #93-162, Wilmer Brockman, by a vote of 6-0. (GTG) (Thereafter, Chairman Manning's motion to vacate an order adopted earlier in PCB 93-139, The Ensign-Bickford Company, seconded by J. Anderson, was granted by a vote of 6-0).

These cases were discussed and ordered held to November 18, 1993 for further discussion or possible decision: ##92-180, We-Shred-It, Inc.; AS 93-2, Borden Chemicals; 93-135, City of Springfield; 93-142, HACO, Inc.; 93-182, People of the State of Illinois v. Hybrid Service Company; 93-185, People of the State of Illinois v. Owens-Brockway Glass Container, Inc.; 93-187, People of the State of Illinois v. Solar Corporation; 93-189, People of the State of Illinois v. Graftek Press, Inc.

In amended petitions these actions were taken by a vote of 6-0: ##93-166, Mobil Oil Corporation, accepted for hearing, petitioner's motion for expedited review was granted consistent with available resources and decision deadlines in other matters, and the 120 day decision timeclock was restarted with its filing, **Order by R.C. Flemal**; 93-178, General Chemical Corporation, held for an Agency recommendation, petitioner's request for incorporation of the PCB 92-217 record and request that the requirement of filing four copies of the documents for incorporation be waived due to the availability of the documents was granted, and the 120 day decision timeclock was restarted with its filing, **Order by M. Nardulli**.

In new cases these actions were taken by a vote of 6-0: ##93-171, Leo G. Fore et al. v. Midstate Kart Club, **held for duplicitous/frivolous determination**; 93-192, The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association, **held for duplicitous/frivolous determination**; 93-195, City of Herrin v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-196, TRW, Inc. v. EPA, additional information requested, and Agency asked to comment, by December 1, 1993, upon whether a hearing on the petition is necessary pursuant to the Clean Air Act, **Order by J. Theodore Meyer**; 93-197, UNO-VEN Company v. EPA, petitioner's motion for leave to waive the requirement to submit ten copies of supporting documents was granted, and since the petitioner waived its right to a hearing, the petition was held for an Agency recommendation, **Order by J. Theodore Meyer**; 93-202, Horsehead Resource Development Company, Inc. v. EPA, accepted for hearing, **Order by R.C. Flemal**; 93-203, Galesburg Sanitary District v. EPA, accepted for hearing, **Order by M. Nardulli**; 93-204, Mark and Jeanne Doruff, et al. v. Bloomingdale Elementary School District 13 and FGM, Inc., **held for duplicitous/frivolous determination**; 93-205, Safety-Kleen Corporation (Dolton Recycle Center) v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-206, Safety-Kleen Corporation (Pekin Service Center) v. EPA, accepted for hearing, **Order by G. Tanner Girard**; 93-207, Naval Training Center Great Lakes, United States Department of the Navy v. EPA, additional information requested, and since the petitioner believes that a hearing is not required, it should address that issue in the amended petition and the Agency was asked to comment, by December 13, 1993, upon whether a hearing on the petition is necessary pursuant to the Clean Air Act, **Order by J. Theodore Meyer**; 93-208, Shell Oil Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-209, Calumet Park Citgo v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-210, Bells Fuels, Incorporated v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-211, Bargeway Oil Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-212, Mobil Oil Corporation, provisional variance granted, **Order by C.A. Manning**; R93-27, Groundwater Protection: Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), accepted for hearing, and the hearing officer was authorized and directed to require the Agency

to provide any additional information which may be necessary, Order by R.C. Flemal.

This new administrative citation was accepted by the Board: #93-5, EPA v. Knox County Landfill Committee.

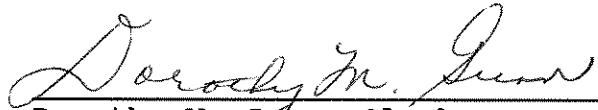
These administrative citation appeals were ordered held to November 18, 1993 for possible consideration: ##93-30, Ray Landers; 93-42, Norman Clark; 93-45, Rita Hefley.

Minutes of the October 21, 1993 Regular Board Meeting were approved by a vote of 6-0.

Minutes of the October 27, 1993 Special Board Meeting were approved by a vote of 4-0. Drs. R.C. Flemal and G. Tanner Girard abstained.

All other matters not disposed of as listed were ordered held to November 18, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 18th day of November, 1993, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 4, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 92-68 People of the State of Illinois v. Chem-Plate
Industries, Inc. (JA) (Stipulation)

- AS 93-3 Joint Petition of Douglas Furniture of California
and the EPA (JA)_____
- AC 93-6 Ruth and Steve Sheppard (CAM)
(A & B) _____
- * 93-147 Village of Grantfork (JTM) (due 1/20)

- * 93-163 Villages of Granville & Mark (MN) (due 12/16)

- R93-28 Stage II Vapor Recovery in the Metro East Area:
Repeal of 35 Ill. Adm. Code 219.586, Proposed Rule,
First Notice, Opinion and Order (RCF)

AC DEFAULT ORDERS:

- 93-40 Carl Sennings_____
- 93-41 Stanley Ray Stewart_____
- 93-43 Joseph & Della Powell_____
- 93-44 Atkinson Landfill_____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- AC 91-32 (A & B) Rochelle Disposal Service - Respondent's Motion to Reconsider September 23, 1993 Board Order (10/18) (CAM) _____
- AC 92-64 (A & B) Rochelle Disposal Service - Respondent's Motion to Reconsider August 26, 1993 Board Order (9/21), Respondent's Motion for Leave to file Instantly an Amended Motion to Reconsider August 26, 1993 Board Order (10/14) (CAM) _____
- AC 93-55 Lou Messervy - Complainant's Motion to Dismiss (10/29) (CAM) _____
- AS 92-8 Cabot Corporation - Board Order (JA) _____
- 90-148 Carl & Alice Madoux - Complainants' Motion for Clarification of November 19, 1992 Board Order (11/3) (GTG) _____
- 90-164) 91-161) Riverside Laboratories - Petitioner's status report in response to May 20, 1993 Board Order and Motion for Continuance of Stay (10/27), Agency's status report in response to May 20, 1993 Board Order (11/1) (CAM) _____
- 90-165 Riverside Laboratories - Petitioner's status report in response to May 20, 1993 Board Order and Motion for Continuance of Stay (10/27), Agency's status report in response to May 20, 1993 Board Order (11/1) (CAM) _____
- 91-28) 92-2) Acme Steel Company - Status report in response to July 22, 1993 Board Order (11/1) (JTM) _____
- 91-86 Raymond & Mary Moore - Status report Order (JA) _____
- 91-157 The Grigoleit Company - Joint Motion to Reconsider and Modify October 21, 1993 Opinion and Order (11/1) (JA) _____
- 91-206 Clayton Chemical - Status report in response to October 7, 1993 Board Order (11/3) (JTM) _____

MOTIONS: (Cont'd)

- 91-234 Safety-Kleen Corporation - Petitioner's Motion to Voluntarily Dismiss (10/22) (CAM)

- 91-257 Commonwealth Edison Company - Petitioner's Motion to Withdraw Appeal (10/21) (MN)

- 92-60 Kean Oil Company - Status report Order (JA)

- 92-102 Moline/Dutchway Dry Cleaners - Status report Order (JTM)

- 92-168 Edwards-Etherton Oil Company - Petitioner's status report in response to October 7, 1993 Board Order (10/25) (CAM)

- 92-176 Central Can Company - Status report Order (JTM)

- 92-184 Braun's Standard Service - Petitioner's status report in response to October 7, 1993 Board Order (10/25) (CAM)

- 92-196 Safety-Kleen Corporation - Petitioner's status report in response to October 7, 1993 Board Order (10/27) (GTG)

- 92-214 Legg and Sons Oil - Status report Order (JTM)

- 93-12 H & H Towing - Phillips 66 - Status report Order (JTM)

- 93-39 Kewanee Community Unit School District - Status report Order (JTM)

- 93-57 Illinois Ayers Oil Company - Complainant's Motion for Leave to file Stipulation and Proposal for Settlement Instantly and Motion for Relief from Hearing Requirement (10/25) (JTM)

- 93-71 Indian Refining Company - Status report Order (GTG)

MOTIONS: (Cont'd)

- 93-72 Atlanta Meadows - Petitioner's Motion for Leave to file Response to Agency Recommendation Instantner (10/27) (CAM) _____
- 93-73 J & M Plating - Petitioner's Motion for Summary Judgment (11/3) (JA) _____
- 93-76 Nicor National Illinois - Petitioner's Motion for Voluntary Dismissal (10/21) (RCF) _____
- 93-92 Elkay Manufacturing Company - Agreed Motion to Request Relief from Hearing Hearing Requirement (10/22) (CAM) _____
- 93-105 Divane Brothers Electric Company - Agency's Second Motion for Summary Judgment (10/4), Petitioner's Response to Agency's Second Motion for Summary Judgment and Petitioner's Second Cross-Motion for Summary Judgment (10/12), Agency Response to Petitioner's Second Cross-Motion for Summary Judgment (10/19) (RCF) _____
- 93-106 Illinois Landfills - City of Hoopeston's Motion for Reconsideration of September 23, 1993 Board Order (10/25), Illinois Landfills' Motion for Reconsideration of September 23, 1993 Board Order (10/27), Petitioners' Motion to Dismiss Illinois Landfills' Motion for Reconsideration (11/1), Illinois Landfills' Response to Petitioners' Motion to Dismiss (11/1), Petitioners' Motion for Extension of Time for filing Response to Motions for Reconsideration filed by Illinois Landfills, Inc. and City of Hoopeston (11/3) (JTM) _____
- 93-118 Marsco Manufacturing Company - Status report in response to August 26, 1993 Board Order (10/26) (JA) _____
- 93-139 The Ensign-Bickford Company - Agency Motion to Extend Time to File Agency Recommendation (11/2) (CAM) _____
- 93-140 CP Inorganics - Petitioner's Motion to Dismiss (10/27) (JA) _____

MOTIONS: (Cont'd)

- 93-150 Robert Miehle - Respondent's Motion to Dismiss and Memorandum of Law in Support of its Motion to Dismiss (9/10), Complainant's Response to Respondent's Motion to Dismiss (10/4) (CAM)
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- 93-151 Mobil Oil Corporation - Agency Motion for Leave to file Recommendation Instanter (10/27), Petitioner's Request for Hearing (11/2) (JTM)
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- 93-162 Wilmer Brockman - Agency Motion to File Agency Record Instanter (10/22), Agency Motion to Correct Caption (11/2) (GTG)
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- 93-186 Emco Chemical Distributors - Respondent's Motion to Dismiss Count VIII of the Complainant's Complaint and to Strike Certain Allegations of Counts XVI - XX Relating to Tank Truck Loading Operations (10/28) (RCF)
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DISCUSSIONS:

- * 92-180 We-Shred-It, Inc. (JTM) (due 11/18) _____
- AS 93-2 Borden Chemicals (GTG) _____
- * 93-135 City of Springfield (MN) (due 12/16) _____
- * 93-142 HACO, Inc. (RCF) (due 11/18) _____
- 93-182 People of the State of Illinois v. Hybrid Service Company (CAM) (Stipulation) _____
- 93-185 People of the State of Illinois v. Owens-Brockway Glass Container, Inc. (CAM) (Stipulation)
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- 93-187 People of the State of Illinois v. Solar Corporation (CAM) (Stipulation)
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- 93-189 People of the State of Illinois v. Graftek Press, Inc. (CAM) (Stipulation) _____

REGULATORY DISCUSSIONS:

- R93-8 Uno-Ven Site-Specific, Proposed Rule, Second Notice, Opinion and Order (JTM)_____
- R93-10 RCRA Subtitle D Amendments, Supplemental Opinion and Order (JA)_____
- R93-14 RACT for Major Sources Emitting VOM's in the Chicago Nonattainment Area: 25 Tons, Proposed Rule, Second Notice, Opinion and Order (JTM)

- R93-16 RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), Proposal for Public Comment (RCF)_____
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AMENDED PETITIONS:

- 93-166 Mobil Oil Corporation (filed 10/26) (See also Petitioner's Motion for Expedited Review filed 10/26) (RCF)_____
- 93-178 General Chemical Corporation (filed 10/27) (MN)

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NEW CASES:

- 93-171 Leo G. Fore et al. v. Midstate Kart Club (See also Respondents' Motion to Dismiss filed 10/12) (MN)

- 93-192 The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association (MN)

- 93-195 City of Herrin v. EPA (GTG)

- 93-196 TRW, Inc. v. EPA (JTM)

- 93-197 UNO-VEN Company v. EPA (See also Petitioner's Motion for Leave to Waive Requirement to Submit Ten Copies of Supporting Documents filed 10/22) (JTM)

NEW CASES: (Cont'd)

- 93-202 Horsehead Resource Development Company, Inc. v. EPA
(RCF) _____
- 93-203 The Galesburg Sanitary District v. EPA (MN)

- 93-204 Mark and Jeanne Doruff, et al. v. Bloomingdale
Elementary School District 13 and FGM, Inc. (CAM)

- 93-205 Safety-Kleen Corporation (Dolton Recycle Center) v.
EPA (GTG) _____
- 93-206 Safety-Kleen Corporation (Pekin Service Center) v.
EPA (GTG) _____
- 93-207 Naval Training Center Great Lakes, United States
Department of the Navy v. EPA (JTM)

- 93-208 Shell Oil Company v. EPA (Provisional Variance)
(CAM) _____
- 93-209 Calumet Park Citgo v. EPA (Provisional Variance)
(CAM) _____
- 93-210 Bells Fuels, Incorporated v. EPA (Provisional
Variance) (CAM) _____
- 93-211 Bargeway Oil Company v. EPA (Provisional Variance)
(CAM) _____
- 93-212 Mobil Oil Corporation v. EPA (Provisional Variance)
(CAM) _____
- R93-27 Groundwater Protection: Amendments to Groundwater
Quality Standards (35 Ill. Adm. Code 620) (RCF)

NEW AC CASES:

- 93-56 EPA v. Knox County Landfill Committee _____

AC APPEALS:

93-30 Ray Landers (See letter filed September 7, 1993)

93-42 Norman Clark (See letter filed September 23, 1993)
 (CAM)_____

93-45 Rita Hefley (See letter filed 10/19)

MINUTES:

October 21, 1993_____

October 27, 1993 (Special Board Meeting)_____