

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
DECEMBER 1, 1994 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Manning announced that the next regularly scheduled Board meeting had been changed from December 15, 1994 to December 14, 1994, and will be held in CMS Conference Room 2-025.

An Opinion and Order was adopted in #86-4, City of Morris CSO, by a vote of 7-0. (RCF)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$15,000.00, was adopted in #91-122, People of the State of Illinois v. Condecor, Inc., n/k/a Decorel, by a vote of 7-0. J. Theodore Meyer concurred. (GTG)

Thereafter Chairman Manning asked the Clerk for a roll call, and all Members answered present.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$20,000.00, was adopted in #93-261, People of the State of Illinois v. Midwest Refinishing, Inc., and Kenneth Ruff, by a vote of 7-0. J. Theodore Meyer concurred.

A Dismissal Order was adopted in #AS 94-1, Illinois Wood Energy Partners, by a vote of 6-0. J. Yi abstained and G. Tanner Girard concurred. (CAM)

An Opinion and Order was adopted in #AS 94-9, City of Springfield, Illinois, Office of Public Utilities, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AS 94-11, Winnebago Reclamation Service, by a vote of 7-0. (ED)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$18,000.00, was adopted in #94-134, People of the State of Illinois v. Bakley Construction Corporation, by a vote of 7-0. (GTG)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$14,000.00, was adopted in #94-143, People of the State of Illinois v. Basler Electric Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order was adopted in #94-179, Solvent Systems International, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #94-200, Illinois Landfill, Inc., by a vote of 7-0. (McF)

An Opinion and Order accepting the Stipulation and Proposal for

Settlement in the amount of \$10,000.00, was adopted in #94-220, People of the State of Illinois v. City of Gillespie; Macoupin County; John Crawford, d/b/a Knostman Crawford Associates; and H & H Mechanical and Electrical Contractors, Inc., by a vote of 7-0.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$5,500.00, was adopted in #94-221, People of the State of Illinois v. Harper Oil Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement, but assessing no civil penalty, was adopted in #94-264, People of the State of Illinois v. First Baptist Church of Marseilles, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$16,000.00, was adopted in #94-265, People of the State of Illinois v. Work Area Protection Corporation, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$1,000.00, was adopted in #94-266, People of the State of Illinois v. Automatic Anodizing Corporation, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$3,600.00, was adopted in #94-267, People of the State of Illinois v. Dean Foods Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$6,700.00, was adopted in #94-268, People of the State of Illinois v. American Generator and Armature Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$5,000.00, was adopted in #94-269, People of the State of Illinois v. American Rack Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$1,000.00, was adopted in #94-291, People of the State of Illinois v. The Art Institute of Chicago, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$2,000.00, was adopted in #94-296, People of the State of Illinois v. American Circuit Systems, Inc., by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$11,000.00, was adopted in #94-301,

People of the State of Illinois v. Colfax Corporation, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$10,000.00, was adopted in #94-310, People of the State of Illinois v. Central Illinois Public Service, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$1,000.00, was adopted in #94-315, People of the State of Illinois v. Modern Steel Treating Company, by a vote of 7-0. J. Theodore Meyer concurred.

In R94-20, Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. J. Yi abstained. (GTG)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##94-83, Wayne County Health Department v. Alma D. Kurtz; 94-84, Sangamon County v. Milton Tennant; 94-85, Vermilion County Health Department v. Brickyard Disposal & Recycling; 94-86, County of DuPage v. Herman "Pete" Petersdorf; 94-87, Williamson County Solid Waste Office v. Bill Baize.

An Order vacating an August 11, 1994 default order, replacing it with this order that reflects the parties' stipulated agreement, and unless already paid, directing the Respondent to pay a penalty in the amount of \$500.00 by December 16, 1994, was adopted in #AC 94-36, Sangamon County v. Edward Combs, by a vote of 7-0. (CAM)

An Order denying the Complainant's motion to reconsider an October 6, 1994 Board Order, was adopted in #AC 94-66, Macon County Landfill, by a vote of 6-0. J. Yi abstained. (GTG)

An Order denying the Complainant's motion to reconsider the Board's November 3, 1994 order dismissing the proceedings, was adopted in #AC 94-68, Ruben Murrell, by a vote of 6-0. J. Yi abstained. (CAM)

An Order granting the Agency's motion to withdraw the complaint, was adopted in #AC 94-89, Joe Perry, by a vote of 7-0. (CAM)

An Order denying the Respondent's motion to dismiss, and accepting the matter for hearing, was adopted in #AC 94-92, Waste Management of Illinois, by a vote of 7-0. (CAM)

An Order accepting the status report, renewing the stay of the proceedings until February 16, 1995, and directing the Petitioner to file a timely status report on or before February 3, 1995 or

when the USEPA finalizes the Federal Implementation Plan, whichever comes first, was adopted in #AS 88-2, Stepan Company, by a vote of 7-0. (CAM)

An Order accepting the status report, granting the Petitioner's motion for an extension of the stay in the matter until March 16, 1995, directing the Petitioner to file a status report on or before March 9, 1995 indicating the status of the USEPA's final promulgation of a site-specific control requirement for Petitioner's rolling operations, and requesting the Petitioner to file the appropriate motion if the rule is finally promulgated before March 9, 1995, was adopted in #AS 91-8, Reynolds Metal Company, by a vote of 7-0. (CAM)

An Order accepting the status report, granting the Petitioner's motion for stay until February 16, 1995, directing the Petitioner to file a status report on or before February 9, 1995 indicating the status of the permit, and requesting the Petitioner to file the appropriate motion withdrawing its adjusted standard petition if the permit is issued prior to February 9, 1995, was adopted in #AS 93-1, Quantum Chemical Corporation, by a vote of 7-0. (CAM)

An Order granting the Petitioner's motion for leave to file a reply to the Agency's response to its petition, was adopted in #AS 93-4, Conversion Systems, by a vote of 7-0. (McF)

An Order granting the Petitioner's motion for leave to file a reply to the Agency's response to its petition, was adopted in #AS 93-5, Conversion Systems, by a vote of 7-0. (McF)

An Order directing the parties to file a status report on or before February 14, 1995 which must include dates certain with which they intend to proceed in the matter, was adopted in #AS 94-3, Outboard Marine Corporation, by a vote of 7-0. (McF)

An Order granting the Agency's motion for leave to file its response instant to the petition, was adopted in #AS 94-8, Acme Steel Company and LTV Steel Company, by a vote of 7-0. (ED)

An Order accepting the status report and directing the parties to file an additional status report on or before April 13, 1995, was adopted in #89-30, Olin Corporation, by a vote of 7-0. (CAM)

An Order granting the Petitioner's motion for leave to file its response to the Board's request for clarification instant, granting the Agency's motion for reconsideration, and upon reconsideration, vacating the Board's May 19, 1994 opinion and order, and dismissing the proceedings, was adopted in #90-24, Rock-Ola Manufacturing Corporation, by a vote of 6-0. J. Yi abstained. (GTG)

An Order directing the parties to file status reports or a joint

status report on or before January 31, 1995, was adopted in #91-38, American Waste Processing, by a vote of 7-0. (ED)

An Order directing the Petitioner and the Agency to file status reports or a joint report, if preferred, no later than December 30, 1994, or the matter will be subject to dismissal for failure to comply, was adopted in #91-206, Clayton Chemical Company, by a vote of 7-0. (JTM)

An Order accepting the status report, granting the parties' request for a new status date, and directing the Petitioner and the Agency to file status reports, or a joint status report if preferred, to be received by the Board and the Hearing Officer no later than January 30, 1995, in the event that the matter has not already been resolved and dismissed, was adopted in #93-45, St. Louis Auto Shredding, by a vote of 7-0. (RCF)

An Order denying the Petitioner's request for an indefinite stay of the proceedings, and directing the Petitioner to file an updated status report on or before February 3, 1995, was adopted in #93-99, LTV Steel Company, by a vote of 7-0. (ED)

An Order granting the joint motion for stay of the matter until the Board's January 12, 1995 Meeting, directing the Petitioner and the Agency to file status reports, or a joint status report if preferred, to be received by the Board no later than January 6, 1995, and reminding both parties that the Hearing Officer must also be served with all motions and status reports, was adopted in #93-203, The Galesburg Sanitary District, by a vote of 7-0. (JTM)

An Order granting the joint motion to dismiss, was adopted in ##93-232, - 94-53, David Geuther and Fehr-Graham and Associates, by a vote of 7-0. (JTM)

An Opinion and Order granting the Petitioner's motion to vacate a September 1, 1994 opinion and order of the Board, allowing the Petitioner's Response to the Respondent's motion for summary judgment, granting the Respondent's motion for summary judgment, affirming the Respondent's December 6, 1993 determination that the Petitioner may access the UST Fund subject to a \$1000,000 deductible, and closing the docket, was adopted in #94-18, City of Wheaton, by a vote of 6-0. J. Yi abstained. (CAM)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from the hearing requirement, was adopted in #94-135, Reliable Sand and Gravel, by a vote of 7-0.

An Order granting in part the Petitioner's motion for modification of the Board's September 15, 1994 order, and granting the Agency's motion for leave to file its response to the Petitioner's motion

for modification instanter, was adopted in #94-155, Cabot Corporation, by a vote of 6-0. J. Yi abstained. (JTM)

An Order directing the parties to file a status report with the Board to be received by the Board no later than January 4, 1995, was adopted in #94-167, Melrose Partners, by a vote of 7-0. (GTG)

An Order granting the Respondent's motion for summary judgment, and closing the docket, was adopted in #94-192, Christ Episcopal Church, by a vote of 7-0. (GTG)

An Order denying the Petitioner's motion for reconsideration of an October 6, 1994 Board order dismissing the complaint, was adopted in #94-223, J.I. Case Company, by a vote of 6-0. J. Yi abstained. (McF)

An Order granting the Petitioner's motion to withdraw its petition for review, was adopted in #94-231, National Steel Corporation, by a vote of 7-0. (ED)

An Order granting the Respondent Kane County's motion for an extension of time until December 12, 1994, to file a response to the Complainant's motion for summary judgment, was adopted in #94-244, Rodney B. Nelson, M.D., by a vote of 7-0. (ED)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties request for relief from the hearing requirement, was adopted in #94-245, Kleuter Brothers Concrete Products, by a vote of 7-0. (McF)

An Order determining that Respondent Kane County's motion to dismiss the complaint to be untimely filed, but noting that all arguments on the merits of the case may still be raised and argued at hearing, was adopted in #94-247, Rodney B. Nelson, M.D., by a vote of 7-0. (RCF)

An Order denying the Complainant's motion to strike the Respondent's affirmative defenses, was adopted in #94-260, Components Corporation of America, by a vote of 6-0. J. Yi abstained. (ED)

Respondent's motion for clarification of an October 6, 1994 Board Order in #94-262, Concerned Citizens of Williamson County, will be taken with the case-in-chief.

An Order finding that the complaint in #94-311, Boyd Brothers, is neither duplicitous or frivolous, accepting the matter for hearing, and granting the Respondent's motion to consolidate was granted in #94-275, -311, Boyd Brothers, by a vote of 7-0. (CAM)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-278, Reichhold Chemicals, by a vote of 7-0. (CAM)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-280, Charles Gatwood, by a vote of 7-0. (GTG)

An Order granting the Petitioner's motion to withdraw the petition, was adopted in #94-281, Resourceful Environmental Ideas, by a vote of 7-0. (CAM)

An Order granting the Agency's motion to file the recommendation instanter, was adopted in #94-282, The UNO-VEN Company, by a vote of 7-0. (RCF)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-284, Illico Independent Oil Company, by a vote of 7-0. (ED)

An Order granting the Agency's motion for an extension of time until December 18, 1995 to file the recommendation, was adopted in #94-287, Indian Refining Limited Partnership, by a vote of 7-0. (McF)

An Order directing the Petitioner to file an affidavit together with a waiver of the decision deadline or alternatively a 120 day extension of such deadline, within 21 days of the date of the order, attesting to the facts alleged in its motion for reconsideration, that the Comptroller mailed the reimbursement check on September 6, 1994, was adopted in #94-289, Montgomery Ward & Company, by a vote of 6-0. J. Yi abstained. (CAM)

An Order granting the Agency's motion for an extension of time until December 12, 1994 to file the recommendation, was adopted in #94-299, P & S, Inc., by a vote of 7-0. (ED)

An Order granting the Respondent Lake County Board's motion for an extension of time until December 8, 1994 to file the record, was adopted in #94-302, The Alter Group, by a vote of 7-0. (ED)

An Order granting the Agency's motion for an extension of time until December 12, 1994 to file the recommendation, was adopted in #94-320, Dorothy B. Kindy, by a vote of 7-0. (McF)

Chairman Manning then announced the Senate confirmation of newly appointed Board Member Joseph Yi, and the reappointment of Board Members G. Tanner Girard and J. Theodore Meyer.

These cases were discussed and held to December 14, 1994 for further discussion or possible decision: ##93-55, Clarendon Hills Bridal Center; 93-58, L. Keller Oil Properties; 93-128, National Coatings; 93-161, Joseph A. Schrantz et al.; AS 94-10, Envirite

Corporation; AS 94-13, Browning-Ferris Industries; 94-43, American Tree Service; 94-222, Village of Hoffman Estates.

In new cases, these actions were taken by a vote of 7-0: ##94-256, DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Mobil Oil Company, Inc., Skokie Valley Asphalt Company, Inc., and Septran, Inc., Skokie Valley Asphalt Company's motion to file its motion to dismiss instanter was granted, the Complainant's were granted an extension of time until January 20, 1995 to file a response to the motion to dismiss, Skokie Valley Asphalt's motion for an extension of time to respond to the complaint is moot since the Board granted its motion to file its motion to dismiss instanter, and the joint motion for an extension of time for the Complainants' to respond to Respondent Mobil Oil Company's motion to dismiss, was granted until January 20, 1995, **Order by M. McFawn**; 94-311, Boyd Brothers, Inc. v. Abandoned Mined Lands Reclamation Council, Complainant's motion to consolidate with PCB 94-275 was granted and the Board ruled that the complaint herein was neither duplicitous or frivolous and the matter will proceed to hearing, **Order by C.A. Manning**; 94-321, Emro Marketing Company (Romeoville Facility) v. EPA, accepted for hearing, **Order**; 94-322, Emro Marketing Company (Monee Facility) v. EPA, accepted for hearing, **Order**; 94-323, Safety-Kleen Corporation (Caseyville Service Center) v. EPA, accepted for hearing, **Order**; 94-324, Safety-Kleen Corporation (Urbana Service Center) v. EPA, accepted for hearing, **Order**; 94-325, People of the State of Illinois v. Pierce and Stevens Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from the hearing requirement, **Order**; 94-326, People of the State of Illinois v. Village of Davis, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from the hearing requirement, **Order**; 94-327, Certified Performer, Inc., d/b/a Keith's Union 76 v. EPA, accepted for hearing, **Order**; 94-328, W.R. Grace and Company - Connecticut v. EPA, accepted for hearing, **Order**; 94-329, Billy Turner and Marilyn Turner v. Golden Cat Corporation, **held for duplicitous/frivolous determination**; 94-330, Safety-Kleen Corporation (Pekin Service Center) v. EPA, accepted for hearing, **Order**; 94-331, Safety-Kleen Corporation (Urbana Service Center) v. EPA, accepted for hearing, **Order**; 94-332, Western Lion Limited, additional information requested, **Order by J. Theodore Meyer**; 94-333, LTV Steel Company (Hennepin Works) v. EPA, accepted for hearing, **Order**; 94-334, Ingleside Union 76 #70 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-336, Leo's Union 76 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-337, The Southland Corporation v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-338, Gas & Grub, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-339, Michael Oil Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-340, Hertz Rent-A-Car v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-341, Car Care Center v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-342,

Harvard Union 76 #197 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-343, North Chicago Union 76 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-344, A & A Kwik Mart #9 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-345, Kwik Pantry Stores, Country Pantry, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-346, Mundelein Service, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-347, Amoco Oil Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-348, Go-Tane v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-349, Federal Express v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-350, Clark Refining and Marketing v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-351, The UNO-VEN Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-352, Marathon Oil Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-353, Alamo Rent-A-Car v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-354, Denny's Standard Service v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-355, Pettice Auto Electric v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-356, Oak Park and Madison 76 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-357, Marcley's v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-358 Go For It v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-359, Ted's Mini Mart v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-360, Bartlett Union 76 #172 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-361, Beach Park Union 76 #73 v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-363, Berkely Auto Service v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-364, Bruce's Mobil v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-365, Alden Quick Mart v. EPA, provisional variance granted, 94-366, Illinois Petroleum Marketers Association v. EPA, provisional variance granted, **Order by C.A. Manning**; R94-30, Commonwealth Edison Company Site-Specific Regulation for Existing Landfills and Units: 35 Ill. Adm. Code 811-814, Petitioner's requests for waiver of 200 signature requirement and for waiver of the requirement that Petitioner file ten copies of exhibit #12 to its petition, and that the Petitioner instead be allowed to file three copies, were granted, **Order by M. McFawn**.

Because a Petition for Review was received, this Administrative Citation will be set for hearing: 94-88, Sangamon County v. City of Springfield.

This Administrative Citation was accepted by the Board: #94-95, Sangamon County v. ESG Watts, Inc. (See Addendum)

ADDENDUM

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

##94-335, Elmhurst Shell v. EPA, Agency motion to withdraw its recommendation for a provisional variance was granted and the docket closed, **Order by C.A. Manning**; 94-362, Gas Stop v. EPA, Agency motion to withdraw its recommendation for a provisional variance was granted and the docket closed, **Order by C.A. Manning**; 94-367, Illinois Central Rail Road v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-368, Borden Chemicals and Plastics v. EPA, provisional variance granted, **Order by C.A. Manning**.

Because a Petition for Review was received, this Administrative Citation will be set for hearing: #94-95, Sangamon County v. ESG Watts, Inc. (**See New Administrative Citations**)

Minutes of the November 3, 1994 regular Board Meeting and the November 18, 1994 special Board Meeting were approved by a vote of 6-0. J. Yi abstained.

Motion to reconvene at 2:00 p.m. by R.C. Flemal and seconded by E. Dunham, carried.

2:00 P.M. SESSION

Chairman Manning reconvened the meeting at 2:00 p.m. All Board Members were present save M. McFawn who was absent.

In R94-19, Enhanced Vehicle Inspection and Maintenance (I/M) Regulations Amendments to 35 Ill. Adm. Code 240, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. J. Yi abstained. (GTG)

An Order accepting the petition for hearing, and pursuant to the Petitioner's request, was adopted in new Adjusted Standard #94-16, City of Wood River, by a vote of 6-0. (ED)

Board Member J. Yi's request to reconsider, because he had not participated previously in the matters, was granted, and the vote in PCB 90-24, Rock-Ola Manufacturing and 94-289, Montgomery Ward & Company, were changed to 6-0 with Mr. Yi abstaining.

An Order granting the Petitioners' motion for an extension of time until December 5, 1994, to file its reply brief, was adopted in #94-98, Beardstown Area Citizens For a Better Environment, by a vote of 6-0.

All other matters not disposed of as listed were ordered held to December 14, 1994 for possible consideration.

I, Dorothy M. Gunn, hereby certify that the above Minutes were approved this 14th day of December, 1994, by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 1, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

93-150 Robert Miehle - Complainant's Voluntary Withdrawal
of Motion for Summary Judgment Without Prejudice
(11/30) (CAM) _____

NEW CASES:

94-335 Elmhurst Shell v. EPA (Provisional Variance) (See
Agency Motion to Withdraw Recommendation for
Granting of Provisional Variance Request filed
11/30) (CAM) _____

94-357 Marcley's v. EPA (Provisional Variance) (See Agency
Motion to File Recommendation Instanter filed
11/30) (CAM) _____

94-362 Gas Stop v. EPA (Provisional Variance) (CAM)
(See Agency Withdrawal of Recommendation for
Granting of Provisional Variance Request filed
11/30) (CAM) _____

94-367 Illinois Central Railroad v EPA (Provisional
Variance) (CAM) _____

94-368 Borden Chemicals and Plastics v. EPA (Provisional
Variance) (CAM) _____

AC APPEAL:

94-95 Sangamon County v. ESG Watts, Inc. _____

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 1, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

86-4	City of Morris CSO (RCF)
91-122	People of the State of Illinois v. Condecor, Inc. n/k/a Decorel (GTG) (Stipulation)
93-261	People of the State of Illinois v. Midwest Refinishing, Inc., and Kenneth Ruff (ED) (Stipulation)
AS 94-1	Illinois Wood Energy Partners, Dismissal Order (CAM)
AS 94-9	City of Springfield (GTG)
AS 94-11	Winnebago Reclamation (ED)
AC 94-20	Waste Management of Illinois (ED)
94-134	People of the State of Illinois v. Bakley Construction Corporation (GTG) (Stipulation)
94-143	People of the State of Illinois v. Basler Electric Company (ED) (Stipulation)
* 94-179	Solvent Systems International (JTM) (due)
* 94-200	Illinois Landfill, Inc. (McF) (due 2/16)

*** INDICATES VARIANCE OR PERMIT APPEAL**

DECISIONS: (Cont'd)

- 94-220 People of the State of Illinois v. City of Gillespie, Macoupin County; John Crawford, d/b/a Knostman Crawford Associates; and H & H Mechanical and Electrical Contractors, Inc. (JTM) (Stipulation)_____
- 94-221 People of the State of Illinois v. Harper Oil Company (CAM) (Stipulation)_____
- 94-264 People of the State of Illinois v. First Baptist Church of Marseilles (Stipulation)_____
- 94-265 People of the State of Illinois v. Work Area Protection Corporation (Stipulation)_____
- 94-266 People of the State of Illinois v. Automatic Anodizing Corporation (Stipulation)_____
- 94-267 People of the State of Illinois v. Dean Foods Company (Stipulation)_____
- 94-268 People of the State of Illinois v. American Generator and Armature Company (Stipulation)_____
- 94-269 People of the State of Illinois v. American Rack Company (Stipulation)_____
- 94-291 People of the State of Illinois v. The Art Institute of Chicago (Stipulation)_____
- 94-296 People of the State of Illinois v. American Circuit Systems, Inc. (Stipulation)_____
- 94-301 People of the State of Illinois v. Colfax Corporation (Stipulation)_____
- 94-310 People of the State of Illinois v. Central Illinois Public Service (Stipulation)_____

DECISIONS: (Cont'd)

- 94-315 People of the State of Illinois v. Modern Steel
Treating Company (Stipulation)
-
- R94-19 Enhanced Vehicle Inspection and Maintenance (I/M)
Regulations: Amendments to 35 Ill. Adm. Code Part
240, Adopted Rule, Final Order, Opinion and Order
(GTG)
-
- R94-20 Enhanced Vehicle Inspection and Maintenance (I/M)
Regulations: Amendments to 35 Ill. Adm. Code Part
240, Adopted Rule, Final Order, Opinion and Order
(GTG)
-

AC DEFAULT ORDERS:

- 94-83 Wayne County Health Department v. Alma D. Kurtz
-
- 94-84 Sangamon County v. Milton Tennant
-
- 94-85 Vermilion County Health Department v. Brickyard
Disposal & Recycling
-
- 94-86 County of DuPage v. Herman "Pete" Petersdorf
-
- 94-87 Williamson County Solid Waste Office v. Bill Baize
-

MOTIONS:

- AC 94-36 Edward Combs - Complainant's Stipulation Agreement
and Motion for Board to Accept the Stipulation
Agreement as Final Disposition of the Matter
(11/16) (Note: a Default Order was adopted at the
August 11, 1994 Board Meeting; the Clerk's Office
has no proof that Complainant or Respondent ever
received the Default Order; Complainant was then
served on November 9, 1994)
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MOTIONS: (Cont'd)

- AC 94-66 Macon County Landfill - Complainant's Motion to Reconsider October 6, 1994 Board Order (11/1), Respondent's Objection to Complainant's Motion to Reconsider (11/9) (GTG)
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- AC 94-67 Kirk Dana - Respondent's Motion to Reconsider September 15, 1994 Default Order (11/9)
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- AC 94-68 Ruben Murrell - Complainant's Motion to Reconsider Order of Dismissal of Citation (11/21) (CAM)
-
- AC 94-89 Joe Perry - Agency Motion to Withdraw Complaint (11/14) (CAM)
-
- AC 94-92 Waste Management of Illinois - Respondent's Motion to Dismiss or in the Alternative Petition for Review of Administrative Citation (10/21), Complainant's Response to Respondent's Motion to Dismiss (11/3) (RCF)
-
- AS 88-2 Stepan Company - Petitioner's Status Report in Response to October 20, 1994 Board Order (11/21) (CAM)
-
- AS 91-8 Reynolds Metals Company - Petitioner's Status Report in Response to September 15, 1994 Board Order (11/16) (CAM)
-
- AS 93-1 Quantum Chemical - Petitioner's Status Report in Response to August 11, 1994 Board Order (11/17) (CAM)
-
- AS 93-4 Conversion Systems - Petitioner's Motion for Leave to File a Reply to the Agency's Response to Petitioner's Petition (11/14) (McF)
-
- AS 93-5 Conversion Systems - Petitioner's Motion for Leave to File a Reply to the Agency's Response to Petitioner's Petition (11/14) (McF)
-

MOTIONS: (Cont'd)

- AS 93-7 Keystone Steel & Wire - Petitioner's Motion for Modification of March 17, 1994 Board Order (10/24), Agency's Response to Petitioner's Motion for Modification (11/2), Petitioner's Response to November 3, 1994 Board Order for Additional Information in Support of its Motion for Modification (11/21), Agency's Response to Petitioner's Submittal of Additional Information Pursuant to Board Order (11/28) (ED)
-
- AS 94-3 Outboard Marine Corporation - Status Report in Response to October 6, 1994 Board Order (11/23) (McF)
-
- AS 94-8 Acme Steel Company & LTV Steel - Agency motion for Leave to File Response Instantly (11/28) (ED)
-
- 89-30 Olin Corporation - Joint Status Report in Response to August 11, 1994 Board Order (11/22) (CAM)
-
- 90-24 Rock-Ola Manufacturing - Agency Motion for Reconsideration of May 19, 1994 Board Order (6/28), Petitioner's Response to the Agency's Motion for Reconsideration (10/27), Petitioner's Motion for Leave to file its Response to the Board's Request for Clarification Instantly (11/15) (GTG)
-
- 91-38 American Waste Processing - Joint Status Report in Response to October 20, 1994 Board Order (11/18) (ED)
-
- 91-206 Clayton Chemical Company - Status Report Order (JTM)
-
- 93-45 St. Louis Auto Shredding - Status Report of Petitioner and Respondent in Response to October 6, 1994 Board Order (11/16) (RCF)
-
- 93-99 LTV Steel Company - Petitioner's Status Report in Response to August 11, 1994 Board Order (11/14) (ED)
-

MOTIONS: (Cont'd)

- 93-150 Robert Miehle - Complainant's Motion for Summary Judgment (11/1), Stipulated Motion for Extension of Time (11/18), Revised Stipulated Motion for Extension of Time (11/22) (CAM)
-
- 93-203 The Galesburg Sanitary District - Joint Motion for Stay (11/22) (JTM)
-
- 93-232) David Geuther et al. - Joint Motion to Dismiss
94-53) (11/18) (JTM)
-
- 94-18 City of Wheaton - Petitioner's Motion to Vacate September 1, 1994 Opinion and Order of the Board and Memorandum in Response to the Office of the State Fire Marshal's Motion for Summary Judgment (10/4) (CAM)
-
- 94-43 American Tree Service - Motion to File a Limited Appearance and Submit the Statement of Springfield Airport Authority (9/13), Joint Motion for Leave to File Joint Stipulation of Facts Instanter (9/15), Agency Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (9/22), Petitioner's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (10/5), Petitioner's Motion to Amend Memorandum in Support of Motion for Summary Judgment by Interlineation and Amendment to the Support of Motion for Summary Judgment (10/7), Agency Response to Petitioner's Motion for Summary Judgment and Attached Memorandum in Support of Motion for Summary Judgment (10/11) (CAM)
-
- 94-124 Boncosky Oil Company - Agency Motion to Dismiss Appeal (11/22) (JTM)
-
- 94-135 Reliable Sand & Gravel - Agreed Motion to Request Relief From Hearing Requirement (11/7) (CAM)
-
- 94-155 Cabot Corporation - Petitioner's Motion for Modification of September 15, 1994 Board Order (10/14) (JTM)
-

MOTIONS: (Cont'd)

- 94-167 Melrose Partners - Status Report Order (GTG)
-
- 94-192 Christ Episcopal Church - Respondent's Motion for Summary Judgment (10/25), Petitioner's Response to Respondent's Motion for Summary Judgment (11/17) (GTG)
-
- 94-195 Land & Lakes Company - Petitioners' Motion to Disqualify Respondent's New Counsel (11/2), Respondent's Objection to Petitioner's Motion to Disqualify Respondent's New Counsel (11/9), Petitioners' Motion for Leave to File Reply Instanter (11/29) (JTM)
-
- 94-223 J.I. Case Company - Petitioner's Motion for Reconsideration of October 6, 1994 Board Order (11/10), Agency's Response to Petitioner's Motion for Reconsideration (11/21) (McF)
-
- 94-231 National Steel Corporation - Petitioner's Motion to Withdraw Petition for Review (11/9) (ED)
-
- 94-237 Marathon Oil Company - Agency Motion for Partial Summary Judgment (11/2), Petitioner's Reply to the Agency's Motion for Partial Summary Judgment and Cross Motion for Partial Summary Judgment (11/21) (RCF)
-
- 94-244 Rodney B. Nelson - Complainant's Motion for Summary Judgment (11/4), Respondents' Motion for Extension of Time to Respond to Complainant's Motion for Summary Judgment (11/16), Complainant's Response to Kane County Board's Motion for Extension of Time to Respond (11/23) (ED)
-
- 94-245 Klueter Brothers Concrete Products - Motion for Relief From Hearing Requirement (11/28) (McF)
-

MOTIONS: (Cont'd)

- 94-247 Rodney B. Nelson - Respondent Kane County Forest Preserve District's Motion to Dismiss the Complaint (See last paragraph of the District's Affirmative Defenses filed 11/10), Complainant's Motion for Summary Judgment (11/14) (RCF)
-
- 94-260 Components Corporation of America - Complainant's Motion to Strike Affirmative Defenses (11/14), Respondent's Response in Opposition to Complainant's Motion to Strike Affirmative Defenses (11/21) (ED)
-
- 94-262 Concerned Citizens of Williamson County - Respondent Bill Kibler Development Corporation's Motion for Clarification of October 6, 1994 Board Order (11/2), Petitioners' Response (11/28) (GTG)
-
- 94-271 National Interchem Corporation - Respondent's Motion to Dismiss (11/10), Complainant's Response to Respondent's Motion to Dismiss (11/21) (GTG)
-
- 94-275 Boyd Brothers - Respondent's Motion to Consolidate with PCB 94-311 (11/14) (CAM)
-
- 94-278 Reichhold Chemicals - Agency Motion to File Record Instanter (11/22) (CAM)
-
- 94-280 Charles Gatwood - Agency Motion to File Record Instanter (11/18) (GTG)
-
- 94-281 Resourceful Environmental Ideas - Agency motion to Dismiss (10/31), Petitioner's Withdrawal of Appeal (11/9) (CAM)
-
- 94-282 The UNO-VEN Company - Agency Motion to File Agency Recommendation Instanter (11/17) (RCF)
-
- 94-284 Illico Independent Oil Company - Agency Motion to File Record Instanter (11/1) (ED)
-

MOTIONS: (Cont'd)

- 94-287 Indian Refining Limited Partnership - Agency Motion to Extend Time to File Agency Recommendation (11/3), Agency Motion to Extend Time to File Agency Recommendation (11/22) (McF)
-
- 94-289 Montgomery Ward & Company - Petitioner's Motion for Reconsideration of October 20, 1994 Board Order (11/9), Agency Response to Petitioner's Motion for Reconsideration (11/23) (CAM)
-
- 94-299 P & S, Inc. - Agency Motion for Extension of Time in Which to File Recommendation (11/18) (ED)
-
- 94-302 The Alter Group - Lake County Board's Motion for Extension of Time to File the Record (11/9) (ED)
-
- 94-320 Dorothy B. Kindy - Agency Motion for Extension of Time in Which to File Recommendation (11/28) (McF)
-

DISCUSSIONS:

- * 93-55 Clarendon Hills Bridal Center (McF) (open waiver)
-
- 93-58 L. Keller Oil Properties (JTM) _____
- * 93-128 National Coatings (GTG) (due 12/14)
-
- 93-161 Joseph A. Schrantz et al. (CAM) _____
- AS 94-10 Envirite Corporation (RCF) _____
- AS 94-13 Browning-Ferris Industries (GTG) _____
- * 94-43 American Tree Service (CAM) (open waiver)
-
- * 94-222 Village of Hoffman Estates (CAM) (due 1/12)
-

NEW CASES:

- 94-256 DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Mobil Oil Company, Inc., Skokie Valley Asphalt Company, Inc., and Septran, Inc. (See Mobil Oil Company's Motion to Dismiss Complaint filed 10/11; Respondent Skokie Valley Asphalt Company's Motion For Extension of Time to Respond to the Complaint filed 11/9; Motion to File Instantly its Motion to Dismiss and Memorandum in Support Thereof filed 11/16; Joint Motion for Extension of Time for Complainants' to Respond to Mobil's Motion to Dismiss filed 11/17; Complainant's Response to Respondent Skokie Valley's Motion for Leave to File Instantly its Motion to Dismiss and Complainant's Motion for Extension of Time filed 11/23) (McF)
-
- 94-311 Boyd Brothers, Inc. v. Abandoned Mined Lands Reclamation Council (See Complainant's Motion to Consolidate with PCB 94-275 filed 10/28) (CAM)
-
- 94-321 Emro Marketing Company (Romeoville Facility) v. EPA
-
- 94-322 Emro Marketing Company (Monee Facility) v. EPA
-
- 94-323 Safety-Kleen Corporation (Caseyville Service Center) v. EPA
-
- 94-324 Safety-Kleen Corporation (Urbana Service Center) v. EPA
-
- 94-325 People of the State of Illinois v. Pierce and Stevens Corporation (See Motion to Request Relief From Hearing Requirement filed 11/7)
-
- 94-326 People of the State of Illinois v. Village of Davis (See Motion to Request Relief From Hearing Requirement filed 11/10)
-
- 94-327 Certified Performer, Inc., d/b/a Keith's Union 76 v. EPA
-

NEW CASES: (Cont'd)

94-328	W.R. Grace and Company - Connecticut v. EPA (McF)	
94-329	Billy Turner and Marilyn Turner v. Golden Cat Corporation (GTG)	
94-330	Safety-Kleen Corporation (Pekin Service Center) v. EPA (ED)	
94-331	Safety-Kleen Corporation (Urbana Service Center) v. EPA (JTM)	
94-332	Western Lion Limited v. EPA (JTM)	
94-333	LTV Steel Company (Hennepin Works) v. EPA (RCF)	
94-334	Ingleside Union 76 #70 v. EPA (Provisional Variance) (CAM)	
94-335	Elmhurst Shell v. EPA (Provisional Variance) (CAM)	
94-336	Leo's Union 76 v. EPA (Provisional Variance) (CAM)	
94-337	The Southland Corporation v. EPA (Provisional Variance) (CAM)	
94-338	Gas & Grub, Inc. v. EPA (Provisional Variance) (CAM)	
94-339	Michael Oil Company v. EPA (Provisional Variance) (CAM)	
94-340	Hertz Rent-A-Car v. EPA (Provisional Variance) (CAM)	
94-341	Car Care Center v. EPA (Provisional Variance) (CAM)	
94-342	Harvard Union 76 #197 v. EPA (Provisional Variance) (CAM)	
94-343	North Chicago Union 76 v. EPA (Provisional Variance) (CAM)	

NEW CASES: (Cont'd)

- 94-360 Bartlett Union 76 #172 v. EPA (Provisional
Variance) (CAM)_____
- 94-361 Beach Park Union 76 #73 v. EPA (Provisional
Variance) (CAM)_____
- 94-362 Gas Stop v. EPA (Provisional Variance) (CAM)

- 94-363 Berkely Auto Service v. EPA (Provisional Variance)
(CAM)_____
- 94-364 Bruce's Mobil v. EPA (Provisional Variance) (CAM)

- 94-365 Alden Quick Mart v. EPA (Provisional Variance) (CAM)

- 94-366 Illinois Petroleum Marketers Association v. EPA
(Provisional Variance) (CAM)

- R94-30 Commonwealth Edison Company Site-Specific
Regulation for Existing Landfills and Units: 35
Ill. Adm. Code 811-814 (See Petitioner's Request
for Waiver of the 200 Signature Requirement filed
10/17 and Petitioner's Request for Waiver of the
Requirement that Petitioner file Ten Copies of
Exhibit 12 filed 10/17) (McF)

AC APPEALS:

- 94-88 Sangamon County v. City of Springfield (JCY)

NEW AC CASES:

- 94-95 Sangamon County v. ESG Watts, Inc. _____