

**ILLINOIS POLLUTION CONTROL BOARD**

**MINUTES OF REGULAR BOARD MEETING  
DECEMBER 3, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AC 92-3(B), Dennis Grubaugh, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AC 92-48(B), Delmar Donley, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AC 92-51(A & B), John and Nina McCullum, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #92-78, Amoco Chemical, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #92-148, People of the State of Illinois v. Leaf Confectionery, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

In R91-15, Safe Drinking Water Act Update (February 1, 1991 through June 1, 1991), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

In R92-3, Safe Drinking Water Act Update, Lead and Copper and Phase IIB (June 1, 1991 through December 1, 1991), an Extension of Time Order was adopted by a vote of 7-0. (JA)

In R92-12, Safe Drinking Water Act Update (January 1, 1991 through June 30, 1992), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (JA)

In R91-20, Potentially Infectious Medical Waste, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R92-18, Contingency Plan Update (USEPA Rules through December 31, 1992), an Extension of Time Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##92-70, Delmar Donley; 92-71, Edwin & Elizabeth Tessmer.

An Order directing the Petitioner to file an updated status report on or before June 1, 1993 was adopted in #AS 88-2, Stepan Company, by a vote of 7-0. (JCM)

Agency motion for further extension of time to file its response was granted until February 1, 1993, in #AS 91-13, City of Rock Island, by a vote of 7-0. (RCF)

Agency motion to file its response instanter was granted in #AS 92-8, Cabot Corporation, by a vote of 7-0. (JA)

Agency motion for reconsideration was granted, and upon reconsideration, the Board reaffirmed its October 29, 1992 Resolution and Order adopted in #RES 92-2, Clean Air Act Rulemaking Procedures, by a vote of 7-0. Messrs. R.C. Flemal and B. Forcade concurred. (JTM)

Complainant's motion for an extension of time was granted until December 16, 1992 in ##90-89, -91-123, Fred Johnson, by a vote of 7-0. (JCM)

An Order dismissing the action with regards to Respondent S. Scott Coggeshall, was adopted in #90-182, Ronald and Susan Tex, by a vote of 7-0. (GTG)

An Order directing the parties to provide status reports to be received by the Board no later than February 1, 1993, which shall include the expected date of the resolution of the matter, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 7-0. (RCF)

Petitioner's motion for an extension of time was granted until December 23, 1992 in #92-83, Harlem Township, by a vote of 7-0. (BF)

By a vote of 7-0, Petitioner's motion for leave to file its Post-Hearing Reply Instanter was granted, and the Agency's motion for leave to file its Reply Brief Instanter will be taken with the case-in-chief in #92-98, Reichhold Chemicals. (JA)

Petitioner's motion for leave to file its Reply Brief Instanter was granted in #92-111, Russell L. Bacon, by a vote of 7-0. (JA)

An Order was adopted pursuant to Complainant's motion for relief from the hearing requirement in #92-149, Oak Valley Wood Products, by a vote of 7-0. (JCM)

Respondent's motion to strike Section 1 of the Petition, and Petitioner's motion for leave to file the record on appeal instanter, were granted in #92-156, Citizens Against Regional Landfill, by a vote of 7-0. (BF)

Agency motion to file the Record Instanter was granted in #92-157, Greenville Airport Authority, by a vote of 7-0. (JCM)

Petitioner's motion for Stay was granted until February 26, 1993,

and the parties were ordered to file status reports with the Board on or before March 5, 1993, in #92-165, Reichhold Chemicals, by a vote of 7-0. (BF)

Agency motion to dismiss was denied in #92-172, Olin Corporation, by a vote of 7-0. (MN)

Agency motion to extend the time to file the Agency Record was granted until December 21, 1993 in #92-176, Central Can Company, by a vote of 7-0. (JTM)

Agency motion to extend the comment period was granted until December 30, 1992 in R90-1(D), Toxic Air Contaminants, Styrene, by a vote of 7-0. (JCM)

These cases were discussed and held to December 17, 1992 for further discussion or possible decision: ##90-187, Herman Prescott; AS 91-6, Dart Container Corporation; AS 92-3, Jefferson Smurfit; 92-88, Southern Park Food.

Agency motion for leave to file its Post-Hearing Brief Instanter was granted in #92-88, Southern Park Food, by a vote of 6-1. R.C. Flemal dissented. (BF)

These cases were discussed and held to December 17, 1992 for further discussion or possible decision: ##92-92, North Shore Sanitary District; 92-98, Reichhold Chemicals; 92-111, Russell L. Bacon.

These regulatory matters were discussed and held to December 17, 1992 for further discussion or possible decision: R87-37, Public Water Supply, Cross-Connection, Proposed Rule, Second Notice, Opinion and Order; R89-17(C), California Motor Vehicle Control; R89-20, Groundwater, Exceptions for Pesticide & Fertilizer Facilities, Proposed Rule, Second Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: ##92-169, Daniel Lorden and Helen Lorden v. Sheridan South Condominium Association et al., Respondents' motion to dismiss granted, **Order by M. Nardulli**; 92-178, John Zarlenga and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClarien, Cove Development Company, Thomas O'Brien and Gary Lakin, Complainant's motion to amend the complaint granted and held for Duplicitous/Frivolous Determination, **Order by J. Anderson**; 92-182, Spectrulite Consortium, Inc. v. EPA, accepted for hearing, **Order by M. Nardulli**; 92-183, Archdiocese of Chicago v. EPA, accepted for hearing, **Order by R.C. Flemal**; 92-184, Braun's Standard Service v. EPA, accepted for hearing, **Order by B. Forcade**; 92-185, People of the State of Illinois v. Maple Park Oil Company and Robert C. Nelson, Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties request for relief from hearing, and the Board will reserve ruling on the parties'

request until after the 21 day statutory period has passed, **Order by J.C. Marlin**; 92-186, People of the State of Illinois v. Hill Concrete Products, Inc., Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**; 92-187, People of the State of Illinois v. DeNormandie Towel & Linen Supply Company, Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**;

92-188, People of the State of Illinois v. Ekco Glaco Corporation, Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**; 92-189, People of the State of Illinois v. Federal Paper Board Company, Inc. and Field Container Company, L.P., Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**;

92-190, People of the State of Illinois v. Loop Transfer, Inc., Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing, and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**; 92-191, People of the State of Illinois v. PPG/Mazer Chemicals, Inc., hearing mandatory; 92-192, People of the State of Illinois v. SK Hand Tool Corporation, Clerk of the Board directed to cause publication of the required newspaper notice regarding the parties' request for relief from hearing and the Board will reserve ruling on the parties' request until after the 21 day statutory period has passed, **Order by J.C. Marlin**; 92-193, People of the State of Illinois v. Monona Tire Company, hearing mandatory; 92-194, Ryder Truck Rental, Inc. v. EPA, additional information requested, **Order by M. Narduli**; 92-195, City of Shelbyville v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-196, Safety Kleen Corporation v. EPA, accepted for hearing **Order by B. Forcade**.

These Administrative Citations were received by the Board:

##92-83, Sangamon County v. Frederick McAfee, James McAfee, and McAfee's Illinois Siding and Remodeling Company; 92-84, EPA v. Envotech-Illinois, Inc..

This new Adjusted Standard was ordered held to December 17, 1992 for possible consideration: 92-13, Alumax, Inc.

Amended Adjusted Standard #92-6, C.J. Goodall Tire Company, Inc., was ordered held for an Agency Recommendation.

Minutes of the November 19, 1992 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to December 17, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17<sup>th</sup> day of December, 1992, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
DECEMBER 3, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

MOTIONS:

92-88      Southern Food Park - Agency motion for leave to  
file Post-Hearing Brief Instanter (12/1),  
Petitioner's response to Agency motion for leave  
to file Instanter its Post-Hearing Brief (12/2)  
(BF)

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AMENDED ADJUSTED STANDARDS:

92-6      C.J. Goodall Tire Company, Inc. (filed 11/17) (GTG)

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**ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
DECEMBER 3, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.**

**DECISIONS:**

AC	91-55 (A & B)	Vernon Abert (JCM)	_____
AC	92-3 (B)	Dennis Grubaugh (GTG)	_____
AC	92-48 (B)	Delmar Donley (GTG)	_____
AC	92-37 (A & B)	Gerald B. Miller (BF)	_____
AC	92-51 (A & B)	John & Nina McCullum (JCM)	_____
*	92-78	Amoco Chemical (JA) (due 12/17)	_____
	92-148	People of the State of Illinois v. Leaf Confectionery, Inc. (JCM) (Stip)	_____
	R91-15	Safe Drinking Water Act Update (February 1, 1991 (through June 1, 1991), Proposed Rule, Dismissal Order (JA)	_____
	R91-20	Potentially Infectious Medical Waste, Proposed Rule, First Notice, Opinion and Order (RCF)	_____
	R92-3	Safe Drinking Water Act Update, Lead and Copper and Phase IIB (June 1, 1991 through December 1, 1991), Extension of Time, Order (JA)	_____

**\* INDICATES VARIANCE OR PERMIT APPEAL**

**DECISIONS:** (Cont'd)

R92-12 Safe Drinking Water Act Update (January 1, 1991 through June 30, 1992), Proposed Rule, Dismissal Order (JA)

R92-18 Contingency Plan Update (USEPA Rules through December 31, 1992), Extension of Time, Order (JA)

**AC DECISIONS:**

92-70 Delmar Donley

92-71 Edwin & Elizabeth Tessmer

**MOTIONS:**

AC 92-5 Ronald and Retha Rawe - Agency motion for reconsideration of October 16, 1992 Opinion and Order (11/23) (BF)

AS 88-2 Stepan Company - Petitioner's status report in response to July 30, 1992 Board Order (12/1) (JCM)

AS 91-13 City of Rock Island - Agency motion for further extension of time to file response (12/2) (RCF)

AS 92-8 Cabot Corporation - Agency motion to file response Instanter (12/1) (JA)

RES 92-2 Clean Air Act Rulemaking Procedures - Agency motion for reconsideration (11/13) (JTM)

85-140 Citizens Utilities - Petitioner's motion for rehearing (11/18) (MN)

90-89)  
91-123) Fred Johnson - Complainant's motion for extension of time or for leave to file Instanter (11/18) (JCM)



**MOTIONS: (Cont'd)**

- 90-143 Ohio Grain Company - Petitioner's motion for reconsideration (11/20), motion to intervene by The Grain and Feed Association of Illinois (11/20) (GTG)
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- 90-182 Ronald & Susan Tex - motion suggesting death of Respondent S. Scott Coggeshall (11/9) (GTG)
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- 91-30 Susan Curtis & Marcy Diesing - Respondent's motion to dismiss (11/20), City of Crystal Lake's response to Respondent's motion to dismiss (11/30), Complainants' reply to Respondent's motion to dismiss (12/1) (JCM)
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- 91-84 Indian Refining - Petitioner's status report in response to August 13, 1992 Board Order (11/16) (RCF)
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- 92-83 Harlem Township - Petitioner's motion for reconsideration and motion for extension of time (11/23) (BF)
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- 92-98 Reichhold Chemicals - Petitioner's motion for leave to file Post-Hearing Reply Memorandum Instanter (11/23), Agency motion for leave to file Reply Brief Instanter (12/2) (JA)
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- 92-111 Russell L. Bacon - Petitioner's motion for leave to file Reply Brief Instanter (11/20) (JA)
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- 92-149 Oak Valley Wood Products - Complainant's motion for relief from hearing requirement (12/2) (JCM)
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- 92-156 Citizens Against Regional Landfill - Respondent Waste Management's motion to strike Section 1 of the Petition (11/10), motion for leave to file the Record on appeal and Certificate of Record on appeal Instanter (11/23) (BF)
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**MOTIONS: (Cont'd)**

- 92-157 Greenville Airport Authority - Agency motion to file the Agency Record Instanter (11/30), Agency motion for Summary Judgment (12/2) (JCM)
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- 92-165 Reichhold Chemicals - Petitioner's motion for stay (10/29) (BF)
- 
- 92-172 Olin Corporation - Agency motion to dismiss (11/23), Petitioner's response in opposition to Agency motion to dismiss (11/30) (MN)
- 
- 92-176 Central Can Company - Agency motion to extend time to file Record (11/30) (JTM)
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- R90-1 Toxic Air Contaminants, Styrene - Agency motion to extend comment period (12/1) (JCM)  
(D)
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**DISCUSSIONS:**

- 90-187 Herman Prescott (RCF)
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- AS 91-6 Dart Container Corporation (JCM)
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- AS 92-6 C.J. Goodall Tire Company (GTG)
- 
- \* 92-88 Southern Park Food (BF) (due 12/17)
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- \* 92-92 North Shore S.D. (JCM) (due 12/17)
- 
- \* 92-98 Reichhold Chemicals (JA) (due 12/17)
- 
- \* 92-111 Russell L. Bacon (JA) (due 12/17)
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**REGULATORY DISCUSSIONS:**

- R87-37 Public Water Supply, Cross-Connections, Proposed Rule, Second Notice, Opinion and Order (GTG)
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**REGULATORY DISCUSSIONS:** (Cont'd)

- R89-17 California Motor Vehicle Control (JTM)  
(C)
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- R92-20 Groundwater, Exceptions for Pesticide & Fertilizer  
Facilities, Proposed Rule, Second Notice, Opinion  
and Order (RCF)
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**NEW CASES:**

- 92-169 Daniel Lorden and Helen Lorden v. Sheridan South  
Condominium Association, et al. (See also  
Respondents' motion to dismiss filed 11/10) (MN)
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- 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 Complainants' motion to amend the  
Complaint filed 11/20) (JA)
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- 92-182 Spectrulite Consortium, Inc. v. EPA (MN)
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- 92-183 Archdiocese of Chicago v. EPA (RCF)
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- 92-184 Braun's Standard Service v. EPA
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- 92-185 People of the State of Illinois v. Maple Park Oil  
Company and Robert C. Nelson (See also joint motion  
for relief from hearing requirement filed 12/1)  
(JCM)
- 
- 92-186 People of the State of Illinois v. Hill Concrete  
Products, Inc. (See also joint motion for relief  
from hearing requirement filed 12/1) (JCM)
- 
- 92-187 People of the State of Illinois v. DeNormandie  
Towel & Linen Supply Company (See also joint motion  
for relief from hearing requirement filed 12/1)  
(JCM)
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**NEW CASES:** (Cont'd)

92-188 People of the State of Illinois v. Ekco Glaco Corporation (See also joint motion for relief from hearing requirement filed 12/1) (JCM)

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92-189 People of the State of Illinois v. Federal Paper Board Company, Inc. and Field Container Company, L.P (See also joint motion for relief from hearing requirement filed 12/1) (JCM)

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92-190 People of the State of Illinois v. Loop Transfer, Inc. (See also agreed motion for relief from hearing requirement filed 12/1) (JCM)

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92-191 People of the State of Illinois v. PPG/Mazer Chemicals, Inc. \_\_\_\_\_

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92-192 People of the State of Illinois v. SK Hand Tool Corporation (See also agreed motion to request relief from hearing requirement filed 12/2) (JCM)

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92-193 People of the State of Illinois v. Monona Tire Company \_\_\_\_\_

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92-194 Ryder Truck Rental, Inc. v. EPA (MN)

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92-195 City of Shelbyville v. EPA (Provisional Variance) (JCM) \_\_\_\_\_

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92-196 Safety Kleen Corporation v. EPA

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**NEW AC CASES:**

92-83 Sangamon County v. Frederick McAfee, James McAfee, and McAfee's Illinois Siding and Remodeling Company

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92-84 EPA v. Envotech-Illinois, Inc. \_\_\_\_\_

NEW ADJUSTED STANDARDS:

92-13 Alumax, Inc. (BF) \_\_\_\_\_  
\_\_\_\_\_

MINUTES:

November 19, 1992 \_\_\_\_\_

PENDING CASES ASSIGNED: (Cont'd)

AC 92-33 James Alexander (MN)  
AC 92-37 Gerald B. Miller (BF)  
AC 92-41 Lakewood Homes (BF)  
AC 92-51 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 Weyerhaeuser 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 1/21)  
\* 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)  
\* 92-131 Laidlaw Waste Systems (MN) (due 1/7)  
\* 92-132 LeRoy Brown & Sons (GTG) (due 2/4)  
\* 92-134 Lone Star Industries (BF) (due 2/4)  
\* 92-136 Safety-Kleen Corporation (MN) (open waiver)  
\* 92-140 Motor Wheel Corporation (BF) (due 1/21)  
92-142 Illinois Power Company (GTG)