

**MINUTES OF REGULAR BOARD MEETING  
MARCH 11, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #90-59, Michael L. Christianson, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #AS 91-4, Amoco Oil Company, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #91-128, Oather and Evelyn Druen & Amy Pirtle, by a vote of 7-0. (BF)

A dismissal Order was adopted in R86-29, Aluminum Standard in Public Water Supply, by a vote of 7-0. (JA)

In R91-3, Safe Drinking Water Update (July 1, 1990 through January 31, 1991), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

A dismissal Order was adopted in #R91-25, Amendments to Noise Regulations, by a vote of 7-0. (BF)

In R91-28, RACT Amendments: Expansion of Chicago MSA, a Proposed Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (RCF)

In R91-30, RACT Amendments: Stage II Vapor Recovery, an Order determining that the preparation of an Economic Impact Study is not necessary at this time, was adopted by a vote of 7-0. (RCF)

In R91-35, PM-10 Ambient Limitations and Episode Rules, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##92-1, Beulah Henry; 92-2, Glenn Schriener.

Agency motion to withdraw and dismiss was granted in #AC 92-4, Litchfield-Hillsboro Sanitary Landfill, by a vote of 7-0. (JCM)

J. Marlin presented a draft Order in #AS 91-5, Elizabeth Street Foundry. Alternative language offered by Board Member J. Anderson, was accepted, the Order by J. Marlin was withdrawn, the Agency's motion to file a motion to dismiss instanter was granted, and a hearing was authorized. The vote was 7-0. (JA)

An Order directing the parties to file a status report by June 10, 1992 was adopted in #AS 91-8, Reynolds Metals Company, by a vote of 7-0. (MN)

By a vote of 7-0, Agency motion for further extension of time to file its recommendation in #AS 91-11, Illinois American Water Company, was granted until June 30, 1992. (RCF)

By a vote of 7-0, Agency motion for further extension of time to file its recommendation in #AS 91-12, Illinois American Water Company, was granted until May 28, 1992. (RCF)

Petitioner's motion to dismiss was granted in #88-174, Allied-Signal, by a vote of 7-0. (GTG)

In ##91-89, -90, Citizens for Controlled Landfills and YMCA of South West Illinois, Respondent, Laidlaw Waste Systems' motion to release record on appeal, was granted and the Board will release those portions of the record that it has in duplicate. Respondent was also directed to contact the Clerk of the Board to arrange procedures for the delivery of any duplicate record and shall bear the costs of delivery. In addition, Respondent is free to obtain copies of any portion of the record from the Board if the Board does not have a duplicate record. The vote was 7-0. (JA)

Petitioner's motion for voluntary dismissal was granted in #91-220, Waste Management of Illinois, by a vote of 7-0. (GTG)

Agency motion to dismiss was granted in #92-1, Russell L. Bacon, by a vote of 7-0. (GTG)

An Order dismissing and closing the docket due to Petitioner's failure to file an amended petition within the 45 day time period specified by the Board in its January 9, 1992 Board order, rendering the Agency's motion to dismiss and Petitioner's response to the Agency's motion to dismiss as moot, was adopted in #92-8, City of Jacksonville, by a vote of 7-0. (JA)

Agency motion to file record instanter was granted in #92-9, Platolene 500, by a vote of 7-0. (JCM)

Agency motion to file record instanter was granted in #92-10, Kelly-Williamson Company, by a vote of 7-0. (JCM)

Agency motion to file record instanter was granted in #92-22, Warren's Service, by a vote of 7-0. (JCM)

Petitioner's motion for leave to identify additional materials to be incorporated from PCB 91-7 and Will County's petition for leave to intervene, were granted in #92-25, Land and Lakes Company, by a vote of 5-2. J. Anderson and J. Theodore Meyer dissented. (BF)

These cases were discussed and held to March 26, 1992 for further discussion or possible decision: ##91-95, Staunton Landfill; 91-163, Clinton County Oil; 91-236, City of Kewanee.

In new cases these actions were taken by a vote of 7-0: ##92-26, Dale Dettlaff and Deborah Dettlaff v. Eduardo P. Boado and EPB Park Services, Inc., **held for duplicitous/frivolous determination**; 92-27, Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm, **held for duplicitous/frivolous determination**; 92-33, Erich J. Mandell v. Thaddeus G. Kulpaka, **held for duplicitous/frivolous determination**; 92-37, People of the State of Illinois v. ARO Ready Mix, Inc. a/k/a ARO Concrete, Clerk of the Board directed to cause publication of the required newspaper notice and parties advised that the Board will reserve ruling on its request for relief of hearing after the statutory 21 days has passed, **Order by J.C. Marlin**; 92-38, Stacy G. Howard v. Caterpillar, Inc., **held for duplicitous/frivolous determination**.

These Administrative Citations were accepted by the Board: ##92-14, Browning Ferris Industries; 92-15, ESG Watts, Inc.; 92-16, Harold Hillebrenner.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #92-5, Ronald & Retha Rawe.

In new Adjusted Standards these actions were taken by a vote of 7-0: ##92-1, Petition of the Stiffel Company, accepted for hearing; 92-2, Petition of We-Shred-It, Inc., additional information requested and Clerk of the Board directed to supply Petitioner with a copy of Part 106 Subpart G of the Board's procedural rules so that the requirements of that subpart may be followed, **Order by J.C. Marlin**.

In amended Adjusted Standard Petition #91-3, Petition of Peoria Disposal Company, these actions were taken by a vote of 7-0: Petitioner's March 2, 1992 letter accompanying the claimed trade secret materials construed as a waiver of the deadline for a Board determination on the claimed trade secrets, Envirote Corporation's request for public hearing and Petitioner's waiver of hearing were rendered moot pursuant to Section 106.415 of the Board's adjusted standard procedures which state that "the Board will hold at least one public hearing prior to granting an adjusted standard" from a state RCRA rule, and the hearing officer was directed to proceed to confer with the parties and arrange a date for public hearing consistent with the Board's resource constraints, **Order by M. Nardulli**.

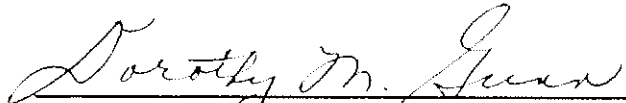
Minutes of the February 27, 1992 Board Meeting were approved by a vote of 7-0.

A provisional variance was granted in this new case by a vote of 7-0: #92-39, City of Princeton v. EPA. (JCM)

The Board then reconsidered new case #92-33, Erich J. Mandell v. Thaddeus G. Kulpaka, and accepted the matter for hearing.

All other matters not disposed of as listed were ordered held to March 26, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 26th day of March, 1992 by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MARCH 11, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 2-025  
1:00 P.M.

**DECISIONS:**

90-59 Michael L. Christianson, Opinion and Order (MN)  
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AS 91-4 Amoco Oil Company (JA)  
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AC 91-31 Randall Loveless (JCM) \_\_\_\_\_  
(A & B)  
91-128 Oather & Evelyn Druen & Amy Pirtle (BF)  
\_\_\_\_\_  
\* 91-251 Monterey Coal Company (BF) (due 4/9)  
\_\_\_\_\_  
R86-29 Aluminum Standard in Public Water Supply, Dismissal  
Order (JA) \_\_\_\_\_  
R91-3 Safe Drinking Water Update (July 1, 1990 - January  
31, 1991), Proposal for Public Comment, Proposed  
Opinion and Order (JA) \_\_\_\_\_  
R91-25 Amendments to Noise Regulations, Dismissal Order  
(BF) \_\_\_\_\_  
R91-28 RACT Amendments: Expansion of Chicago MSA,  
Proposed Rule, First Notice, Proposed Opinion and  
Order (RCF) \_\_\_\_\_  
R91-30 RACT Amendments: Stage II Vapor Recovery, EcIS  
Determination Order (RCF) \_\_\_\_\_  
R91-35 PM-10 Ambient Limitations and Episode Rules,  
Proposed Rule, Second Notice, Proposed Opinion and  
Order (BF) \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

**AC DECISIONS:**

92-1        Beulah Henry\_\_\_\_\_

92-2        Glenn Schriener\_\_\_\_\_

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**MOTIONS:**

AC    89-215    Omer Thomas - Respondent's motion for  
reconsideration of January 23, 1992 Opinion and  
Order (2/27) (BF)\_\_\_\_\_

AC    92-4        Litchfield-Hillsboro Sanitary Landfill - Agency  
motion to withdraw and dismiss (3/10) (JCM)  
\_\_\_\_\_

AS    91-5        Elizabeth Street Foundry - Agency motion to file  
motion to dismiss instanter (1/21), Petitioner's  
motion to strike Agency's motion to dismiss  
(2/3) (JCM)\_\_\_\_\_

AS    91-8        Reynolds Metals Company - Petitioner's status  
report in response to January 23, 1992 Board Order  
(2/28) (MN)\_\_\_\_\_

AS    91-11       Illinois American Water Company - Agency motion for  
further extension of time to file Agency  
Recommendation (3/4) (RCF)  
\_\_\_\_\_

AS    91-12       Illinois American Water Company - Agency motion for  
further extension of time to file Agency  
Recommendation (3/4) (RCF)  
\_\_\_\_\_

88-52       City of Ottawa - Petitioner's motion to modify  
August 4, 1988 Board Order (3/5)  
\_\_\_\_\_

88-174      Allied-Signal - Petitioner's motion to dismiss  
(3/9)\_\_\_\_\_

91-89)      Citizens for Controlled Landfills - Laidlaw Waste  
91-90)      Systems' motion to release record on appeal (2/26)  
(JA)\_\_\_\_\_

**MOTIONS:** (Cont'd)

- 91-192 Prairie Material Sales - Respondent's answer to complaint and motion for summary judgment (12/9), Complainant's motion for summary judgment and response to Respondent's motion for summary judgment (1/8), Respondent's response to Complainant's motion for summary judgment and reply to Complainant's response to Respondent's motion for summary judgment (3/2), Complainant's motion to strike (3/6) (JA)
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- 91-214 North Oak Chrysler Plymouth - Complainant's motion for summary judgment (1/10), Respondent's response to Complainant's motion for summary judgment and cross motion for summary judgment and supporting Memorandum of Law (1/17), Respondent's motion to strike (1/21), Complainant's reply to Respondent's response to Complainant's motion for summary judgment (1/24), Respondent's motion for leave to file a reply to Complainant's response to Petitioner's cross-motion for summary judgment (1/29), Respondent's motion to strike affidavit of Michael G. Roche (1/29), Complainant's response to Respondent's motion to strike affidavit of Michael G. Roche (1/31), Complainant's response to Respondent's motion for leave to file (2/4), Complainant's Memorandum of Law in response to January 23, 1992 Board Order (2/21), Respondent's response to January 23, 1992 Board Order (2/21) (JA)
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- 91-220 Waste Management of Illinois - Petitioner's motion for voluntary dismissal (3/10)
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- 91-262 The Pumper - Agency motion to dismiss for lack of ripeness (3/4), Agency motion to file record instanter (3/9)
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- 92-1 Russel L. Bacon - Agency motion to dismiss (2/19), Petitioner's stipulation for dismissal (3/9)
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- 92-8 City of Jacksonville - Agency motion to dismiss (1/16), Petitioner's motion for leave to file response to Agency motion to dismiss instanter (1/29) (JA)
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**MOTIONS:** (Cont'd)

- 92-9        Platolene 500 - Agency motion to file record  
instantner (3/6) (JCM) \_\_\_\_\_
- 92-10      Kelly-Williamson Company - Agency motion to file  
record instantner (3/6) (JCM)  
\_\_\_\_\_
- 92-22      Warren's Service - Agency motion to file record  
instantner (3/2) (JCM) \_\_\_\_\_
- 92-23      The Grigoleit Company - Petitioner's third motion  
for sanctions and other relief (2/11), Petitioner's  
motion for stay (2/11), Agency motion to dismiss  
Petitioner's motion for sanctions and other relief  
(3/5)  
\_\_\_\_\_
- 92-25      Land and Lakes Company - Petitioner's motion for  
leave to identify additional materials to be  
incorporated from PCB 91-7 (2/18), Respondent's  
motion to dismiss (2/26), petition for leave of  
Will County to Intervene in support of the refusal  
by the Village Board of Romeoville, Will County,  
Illinois, to grant siting approval (2/26),  
Petitioners' response to Respondent's motion to  
dismiss and Petitioner's response to Will County's  
Petition to Intervene (3/6)  
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**DISCUSSIONS:**

- \*    91-95        Staunton Landfill (RCF) (due 3/26) \_\_\_\_\_
- \*    91-163       Clinton County Oil (MN) (due 3/26) \_\_\_\_\_
- \*    91-236       City of Kewanee (JTM) (due 3/26) \_\_\_\_\_



**NEW CASES:**

- 92-26 Dale Dettlaff and Deborah Dettlaff v. Eduardo P. Boado and EPB Park Services, Inc. (See also EPA Park Services' motion to dismiss complaint filed 2/24 and Complainant's response to EPA Park Services' motion to dismiss filed 3/9)
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- 92-27 Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm (See also John Crown's (Golden Oaks Farm) motion to strike and dismiss complaint filed 3/2)
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- 92-33 Erich J. Mandell v. Thaddeus G. Kulpaka
- 
- 92-37 People of the State of Illinois v. ARO Ready Mix, Inc. a/k/a ARO Concrete
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- 92-38 Stacy G. Howard v. Caterpillar, Inc.
- 

**NEW AC CASES:**

- 92-14 Browning Ferris Industries \_\_\_\_\_
- 92-15 ESG Watts, Inc. \_\_\_\_\_
- 92-16 Harold Hillebrenner \_\_\_\_\_
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**AC APPEALS:**

- 92-3 Dennis Grubaugh \_\_\_\_\_
- 92-5 Ronald & Retha Rawe \_\_\_\_\_
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**NEW ADJUSTED STANDARDS:**

91-10 Cabot Corporation (Note: this petition was filed December 27, 1991; held to January 23, 1992 for further consideration and has been inadvertently omitted from the Agenda until today)

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92-1 Petition of the Stiffel Company for Adjusted Standard from 35 Ill. Adm. Code 218, Subpart F

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92-2 Petition of We-Shred-It, Inc. for Adjusted Standard from 35 Ill. Adm. Code Part 848, Management of Used and Waste Tires (JCM)

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**AMENDED ADJUSTED STANDARDS:**

91-3 Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721, Subpart D (See also Petitioner's Trade Secret Claim filed 3/2 and is locked in Dorothy's file cabinet, and Envirite Corporation's request for public hearing filed 3/9)

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**MINUTES:**

February 27, 1992

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PENDING CASES ASSIGNED:

\* 85-140 Citizens Utilities Company (MN)  
 \* 85-166 Citizens Utilities Company (JTM) (open waiver)  
 86-1 City of Peru CSO (JTM)  
 86-2 City of LaSalle CSO (JTM)  
 86-4 City of Morris CSO (RCF)  
 86-161 Elizabeth Street Foundry (RCF)  
 88-98 IBP, Inc. (Appellate Court Remand) (BF)  
 \* 88-193 General Motors (BF) (open waiver)  
 89-44) Moline Corporation (BF)  
 89-87  
 \* 89-171 Pekin Energy Company (MN) (open waiver)  
 89-177 CWM Chemical Services (JTM) (open waiver)  
 AC 89-215(B) Omer Thomas (BF)  
 AC 89-224(B) John Vander (MN) (Appellate Court Remand)  
 \* 90-31 R. Lavin & Sons, Inc. (RCF) (due 12/17)  
 90-108 Joseph B. & Pamela J. Stratton (JTM)  
 90-135 The Grigoleit Company (BF)  
 90-146 Village of Matteson (BF)  
 90-148 B & M Steel Service Center (MN)  
 90-149 Straders Logging and Lumber Mill (MN)  
 90-182 Ronald E. and Susan Tex (MN)  
 90-200 Vito Zivoli (JCM)  
 AS 91-3 Peoria Disposal (MN)  
 AS 91-9 City of East Moline (RCF) (due 4/23)  
 AS 91-11 Illinois-American Water Company (RCF) (open waiver)  
 AS 91-12 Illinois-American Water Company (RCF) (open waiver)  
 AS 91-13 City of Rock Island (RCF) (due 4/23)  
 \* 91-17 B.F. Goodrich Corporation (RCF) (due 8/13)  
 91-30 Susan Curtis & Marcy Diesing (JCM)  
 AC 91-31 Randall Loveless (JCM)  
 AC 91-34 William S. Popejoy (JTM)  
 \* 91-75 Community Consol. School Dist. No. 15 (BF) (open waiver)  
 \* 91-83 Village of Lincolnwood (MN) (open waiver)  
 \* 91-86 Raymond D. and Mary Moore (JA) (due 9/3)  
 \* 91-108 Israel-Gerold's (JTM) (due 6/4)  
 \* 91-113 Dept. of the Army (BF) (open waiver)  
 \* 91-118 City of Braidwood (MN) (due 5/21)  
 91-129 City of Bloomington (JCM)  
 91-136 Don Bolander (JA)  
 91-153 Clyde R. Dace (JA)  
 91-157 The Grigoleit Company (JA)  
 \* 91-174 Enterprise Leasing Company (JTM) (due 4/9)  
 91-193 Park Crematory, Inc. (JCM)  
 \* 91-203 Export Packaging Company (MN) (due 4/23)

PENDING CASES ASSIGNED: (Cont'd)

- \* 91-223 Waste Hauling (JTM) (due 5/7)
- \* 91-233 L.D. Redmer Screw Products (BF) (due 4/23)
- \* 91-256 Gallatin National Company (JA) (due 4/9)
- \* 92-18 Village of Glasford (JTM) (due 5/21)



STATE  
OF  
ILLINOIS

# POLLUTION CONTROL BOARD

STATE OF ILLINOIS CENTER • 100 WEST RANDOLPH STREET • SUITE 11-500 • CHICAGO, ILLINOIS 60601 • 312-814-3620

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CHICAGO, ILLINOIS

## NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for March 12, 1992 has been rescheduled to March 11, 1992. This meeting will be held in Conference Room 2-025 and will begin at 1:00 p.m.

  
JOHN C. MARLIN  
Chairman

Posted and circulated March 6, 1992