

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING SEPTEMBER 4, 1997 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the August 7, 1997 Board Meeting were approved by a vote of 6-0. Board Member J. Theodore Meyer abstained.

Minutes of the August 21, 1997 Board Meeting were approved by a vote of 6-0. Chairman Claire A. Manning abstained.

In R90-1(B), Toxic Air Contaminants List (35 Ill. Adm. Code Part 232): Environmental Effects Consideration, a dismissal order closing the docket, was adopted by a vote of 7-0. **(JY)**

In R98-11, Amendments to 35 Ill. Adm. Code 501 through 504: Agricultural-Related Pollution (Management of Livestock Waste), a Request for Public Comments and/or Proposals order, was adopted by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

The Board, on its own motion, ordered the petitioner and the Environmental Protection Agency to return to hearing and to update the record in the matter, directing the petitioner and the Agency to clearly identify any exhibits or any other parts of the material entered into the record at the 1995 hearing and its relevance to the amended petition prior to proceeding to hearing, denying the Agency's request to deny the petitioner's motion to amend its requested relief, denying the Agency's request made in its post-hearing brief to deny the relief requested in the petitioner's amended petition for an adjusted standard, was adopted in #AS 94-20, Petition of the Galesburg Sanitary District, Galesburg, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 304.105 (Ammonia Nitrogen), by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the petitioner's motion to incorporate all materials previously attached to its petition for an adjusted standard filed on December 28, 1995, was adopted in #AS 96-6, In the Matter of: Petition of Amoco Oil Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132, by a vote of 7-0. **(McF)**

An Order granting the petitioner's requested stay until November 10, 1997 to file an amended petition for an adjusted standard, was adopted in #AS 97-6, Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia, by a vote of 6-0. Board Members K.M. Hennessey abstained. **(RCF)**

An Opinion and Order was adopted in #96-151, Keith F. Boyer v. Felicia Harris, a/k/a Felecia Dawkins, and Chicagoland Mortgage Corporation, by a vote of 7-0. **(McF)**

An Opinion and Order granting the joint motion requesting relief from the hearing requirement, and accepting the stipulation and settlement agreement in the amount of \$10,000,00, was adopted in #97-80, People of the State of Illinois v. Alliant Techsystems, Inc., by a vote of 7-0. **(JTM)**

An Opinion and Order granting the joint motion requesting relief from the hearing requirement, and accepting the stipulation and settlement agreement in the amount of \$8,700,00, was adopted in #97-127, People of the State of Illinois v. Pettibone Corporation, by a vote of 7-0. **(JTM)**

An Opinion and Order granting the joint motion requesting relief from the hearing requirement, and accepting the stipulation and settlement agreement in the amount of \$10,000.00, was adopted in #97-196, People of the State of Illinois v. Di Mucci Development Corporation of Round Lake, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(GTG)**

An Opinion and Order denying the petition for variance and closing the docket, was adopted in #97-205, Illinois Landfill, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

A Default Order finding that the respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 98-3, County of Will v. Sherry Fetcho, by a vote of 7-0. **(CAM)**

Because a petition for review was filed by the respondent, this administrative citation will be set for hearing: #AC 98-4, County of Sangamon v. ESG Watts, Inc..

An Order directing the parties to file briefs on the bankruptcy issues on or before October 3, 1997, and reply briefs on or before October 17, 1997, was adopted in #96-265, Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, and Eaton Corporation, by a vote of 7-0. **(JY)**

An Order denying the Agency's motion for summary judgment, and noting that the matter shall proceed to hearing, was adopted in #97-210, ESG Watts, Inc. v. IEPA, by a vote of 7-0. **(JY)**

An Order accepting the matter for hearing, was adopted in #97-226, Riverview FS v. IEPA, by a vote of 7-0. **(KMH)**

An Order dismissing the proceedings and closing the docket, was adopted in #97-235, Laidlaw Waste Systems, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from the hearing requirement, was adopted in #97-237, People of the State of Illinois v. Frank Levato, by a vote of 7-0. **(JTM)**

An Order granting the petitioner's motion for an extension of time an additional thirty days beyond the seven days allowed under 35 Ill. Adm. Code 104.181 to file a response to the Agency's recommendation, or an amended petition, was adopted in #98-1, City of Salem v. IEPA, by a vote of 7-0. **(McF)**

An Order accepting the matter for hearing, was adopted in #98-32, Owens Oil Company v. IEPA, by a vote of 7-0. (CAM)

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before October 15, 1997, the Board will dismiss the docket, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition for review, was adopted in #98-33, East Saint Louis Housing Authority v. IEPA, by a vote of 7-0. (CAM)

ADDENDUM

In R98-10, Major Stationary Sources Construction and Modification (New Source Review Rules): Amendments to 35 Ill. Adm. Code 203, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (KMH)

An Order accepting the matter for hearing, was adopted in #98-11, Federal Street Construction Company v. IEPA, by a vote of 7-0. (CAM)

A provisional variance was granted in #98-34, Resource Chemistries Corporation v. IEPA, by a vote of 7-0. (CAM)

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before October 30, 1997, the Board will dismiss the docket, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition for review, was adopted in #98-35, Sycamore Community Unit School District No. 427 v. IEPA, by a vote of 7-0. (CAM)

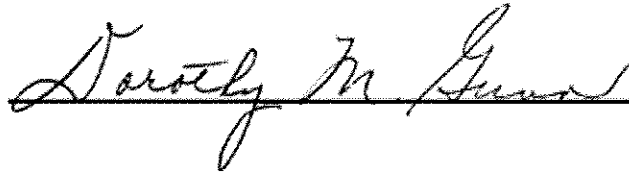
AGENDA

These regulatory matters were discussed and held for further discussion or possible decision: R97-28, Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards, Proposed Rule, First Notice, Opinion and Order; R97-31, Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219.Subpart F, Proposed Rule, First Notice, Opinion and Order; AS 98-1, Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814.Subpart D.

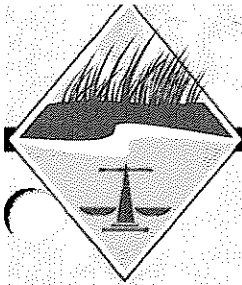
All other matters not disposed of as listed were held.

There being no further business, the meeting was adjourned at 11:00 a.m. to an Executive Session in the Chairman's office.

I, Dorothy M. Gunn, Clerk of Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 18th day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

**REGULAR BOARD MEETING AGENDA
SEPTEMBER 4, 1997
STATE OF ILLINOIS BUILDING
160 N. LASALLE STREET - ROOM 505
CHICAGO, ILLINOIS
10:30 A.M.**

GOVERNOR

Honorable Jim Edgar



CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Chicago

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



SPRINGFIELD OFFICE

30 South Second Street
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Springfield, IL 62704
217-524-8500
Fax 217-524-8508

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Fax 618-498-5934

148 North Third St.
P.O. Box 505
DeKalb, IL 60115
815-753-1904
Fax 815-753-1970



WEB SITE

<http://www.state.il.us/pcb/>

TDD 312-814-6032



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ADDENDUM

REGULATIONS AND ADJUSTED STANDARDS

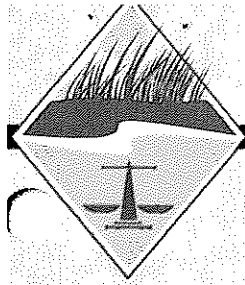
R98-10 In the Matter of: Major Stationary Sources (KMH)
R, Air Construction and Modification (New Source
Review Rules): Amendments to 35 Ill. Adm.
Code 203 - Proposed Rule, First Notice,
Opinion and Order

MOTIONS AND OTHER MATTERS

98-11 Federal Street Construction Company v. IEPA - (CAM)
UST- Accept for Hearing Order
Appeal

98-34 Resource Chemistries Corporation v. IEPA - (CAM)
L-V Provisional Variance

98-35 Sycamore Community Unit School District No. (CAM)
P-A, 90- 427 v. IEPA - Joint Request for 90-Day
Day Ext. Extension of Appeal Period - Order



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AGENDA

SEPTEMBER 4, 1997

STATE OF ILLINOIS BUILDING
160 N. LASALLE STREET, ROOM 505
CHICAGO, ILLINOIS

10:30 A.M.

Announcements

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.

Roll Call

Minutes

August 7, 1997

August 21, 1997

REGULATIONS AND ADJUSTED STANDARDS

R90-1(B) In the Matter of: Toxic Air Contaminants List (35 Ill. Adm. Code (JY)
Air Part 232): Environmental Effects Consideration - Dismissal Order

R98-11 In the Matter of: Amendments to 35 Ill. Adm. Code 501 through (CAM)
R, Water 504: Agricultural-Related Pollution (Management of Livestock
Waste) - Order

AS 94-20 In the Matter of: Petition of the Galesburg Sanitary District for an (JY)
Water Adjusted Standard from 35 Ill. Code 304.105 (Ammonia Nitrogen)
- Petitioner's Motion to Strike Agency's Response to its Motion for
Reconsideration (7/8), Agency's Reply to the Petitioner's
Response to Request for Reconsideration and Response to Motion
to Strike Agency's Response (7/17)

AS 96-6 In the Matter of: Petition of Amoco Oil Company for an Adjusted (McF)
RCRA- Standard From 35 Ill. Adm. Code Subpart D - Petitioner's Motion
Delisting to Incorporate, Amended Petition (8/11)

AS 97-6 In the Matter of: Petition of Granite City Steel for an Adjusted (RCF)
Water - Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water
NPDES Quality Standards Relating to Ammonia - Petitioner's Conditional
Motion for Continuance of Temporary Stay of Proceedings (8/27)

DECISIONS

96-151 Keith F. Boyer v. Felecia Harris, a/k/a Felecia Dawkins, and (McF)
L-E, Chicagoland Mortgage Corporation
Citizens

97-80 People of the State of Illinois v. Alliant Techsystems, Inc. (JTM)
RCRA-E

DECISIONS (Cont'd)

97-127 People of the State of Illinois v. Pettibone Corporation (JTM)

EPCRA-E

97-196 People of the State of Illinois v. Di Mucci Development Corporation of Round Lake, Inc. (GTG)

Water-E

97-205 Illinois Landfill, Inc. v. IEPA (due 9/13) (GTG)

L-V

ADMINISTRATIVE CITATIONS

AC 98-3 County of Will v. Sherry Fetcho - Default Order (CAM)

AC 98-4 County of Sangamon v. ESG Watts, Inc. - Accept for Hearing - No Order

MOTIONS AND OTHER MATTERS

93-80 Indian Prairie Community Unit School District No. 204 v. IEPA - (JTM)
UST-FRD Petitioner's Motion for Summary Judgment and Memorandum of Law in Support of its Motion for Summary Judgment (8/22)

MOTIONS AND OTHER MATTERS (Cont'd)

93-191 People of the State of Illinois v. Lloyd Weimann d/b/a Weimann (CAM)
UST-E Ice and Fuel, Texaco Refining and Marketing, Inc., and Eugene
 and Cheryl Halbrooks - Respondent Texaco Refining and
 Marketing, Inc.'s Motion for Entry of Sanctions Against
 Respondent Lloyd Weimann d/b/a Weimann Ice & Fuel (6/16),
 Respondent Lloyd Weimann's Objection to Motion for Sanctions
 and Motion for Stay or Extension of Time (8/4), Respondent
 Texaco Refining and Marketing, Inc.'s Motion to Strike the
 Appearance of Hodge & Dwyer for Respondent Lloyd Weimann
 d/b/a Weimann Ice and Fuel (8/6), Respondent Texaco Refining
 and Marketing, Inc.'s Motion to Strike or Deny the Objection of
 Lloyd Weimann d/b/a Weimann Ice and Fuel to Texaco's Motion
 for Sanctions (8/6)

96-180) Environmental Site Developers, Inc. v. White & Brewer Trucking, (McF)
97-11) Inc. - Complainant's Motion for Partial Summary Judgment and
W-E, Memorandum in Support of Motion for Partial Summary Judgment
Citizens (12/9), Respondent's Response to Motion for Partial Summary
 Judgment (1/14), Respondent's Amended Response to Motion for
 Partial Summary Judgment (2/28), Petitioner's Reply Regarding
 Motion for Partial Summary Judgment (8/4), Respondent's Motion
 to Reconsider Board's July 10, 1997 Order and Memorandum of
 Law in Support of Motion to Reconsider (8/18), Complainant's
 Response to Respondent's Motion to Reconsider (8/21)

96-265 Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, (JY)
L, SW, and Eaton Corporation - Complainant's Response to Board Order
RCRA-E, of May 15, 1997 (8/13)
Citizens

MOTIONS AND OTHER MATTERS (Cont'd)

97-38 People of the State of Illinois v. Amsted Industries, Inc. d/b/a (JY)
RCRA-E Griffin Wheel Company, L.E. Swiderski d/b/a Griffin Wheel
Company, and Horsehead Resource Development Company, Inc. -
Complainant's Motion for Voluntary Dismissal Without Prejudice
Respondents Amsted Industries, Inc. and Horsehead Resource
Development Company, Inc. (4/24), Respondent Horsehead
Resource Development Company's Objection to Complainant's
Motion for Voluntary Dismissal Without Prejudice (5/5),
Complainant's Motion for Leave to File Reply to Respondent
Horsehead Resource Development Company's Objection to
Motion for Voluntary Dismissal (5/8), Complainant's Response to
Respondent's Objection to Complainant's Motion for Voluntary
Dismissal (6/16), Respondent Horsehead Resource Development
Company's Motion for Leave to File Reply and Reply to
Complainant's Response to Horsehead Resource Development
Company's Objection to Complainant's Motion for Voluntary
Dismissal (6/25), Complainant's Objection to Respondent
Horsehead Resource Development Company's Motion for Leave to
File Reply (7/3)

97-62 People of the State of Illinois v. Geon Company - Complainant's (JTM)
A-E Motion to Strike Affirmative Defenses of Respondent (7/11),
Respondent's Motion to Dismiss the Amended Complaint or in the
Alternative its Memorandum in Opposition to Complainant's
Motion to Strike Affirmative Defenses of Respondent (7/29),
Complainant's Objection to Respondent's Motion to Dismiss
Amended Complaint and Response to Respondent's Memorandum
in Opposition to Complainant's Motion to Strike Affirmative
Defenses of Respondent (8/12)

97-92 People of the State of Illinois v. Victor G. Heuermann - (JY)
W-E Respondent's Motion to Dismiss (7/14), Complainant's Response
to Respondent's Motion to Dismiss (7/18), Respondent's Motion
for Leave to File Reply Brief and Reply to Complainant's
Response to Motion to Dismiss (7/23), Complainant's Motion for
Leave to File Objections to Respondent's Reply Instanter and
Complainant's Objection to Respondent's Reply (8/1)

MOTIONS AND OTHER MATTERS (Cont'd)

97-148 Marilyn J. Richey v. Texaco Refining and Marketing, Inc. - Motion (GTG)
L-E, of Respondent Texaco Refining and Marketing, Inc. for
Citizens Reconsideration (8/29)

97-194 Department of the Navy, Naval Training Center Great Lakes v. (CAM)
P-A, IEPA and R. Lavin & Sons, Inc. - Petitioner's Motion for
NPDES Reconsideration, Memorandum in Support of its Motion for
3rd-Party Reconsideration (8/13), Response of the Illinois Environmental
Protection Agency in Opposition to the Department of the Navy's
Motion for Reconsideration, Memorandum in Support of Response
of the Illinois Environmental Protection Agency in Opposition to
the Department of the Navy's Motion for Reconsideration (8/27),
R. Lavin & Sons, Inc.'s Response to the Department of the Navy's
Motion for Reconsideration (8/27)

97-199 Tri Star Marketing, Inc. v. IEPA - Amended Petition for Water (JY)
WWS Well Setback Exception (8/14)

97-207 People of the State of Illinois v. Inspiration Development Company (JY)
A&L-E - Respondent's Motion for an Order (6/30), Respondent's Brief in
Support of its Motion to Dismiss (7/1), Complainant's Response to
Respondent's Motion to Dismiss (7/3), Respondent's Motion for
Leave to File Reply to Complainant's Response to its June 26,
1997 Motion (7/14), Complainant's Response to Respondent's
Motion to Stay (7/16)

97-210 ESG Watts, Inc. v. IEPA - Respondent's Motion for Summary (JY)
P-A, Land Judgment (7/7), Petitioner's Response and Suggestions in
Opposition to Respondent's Motion for Summary Judgment (7/23)

97-217 People of the State of Illinois v. Bigelow Group, Inc. - (McF)
W-E Respondent's Motion to Dismiss (8/27)

MOTIONS AND OTHER MATTERS (Cont'd)

97-226 Riverview FS v. IEPA - Petitioner's Amended Petition (8/22) (KMH)
UST-FRD

97-235 Laidlaw Waste Systems, Inc. IEPA - Dismissal Order (CAM)
P-A,
90-Day Ext.

97-237 People of the State of Illinois v. Frank Levato - Agreed Motion to (JTM)
Request Relief from the Hearing Requirement (8/25)
A-E

98-1 City of Salem v IEPA - Petitioner's Motion for Extension of Time (McF)
L-V (8/6)

98-24 White Cap, Inc. v. IEPA - Agency Motion to Dismiss (8/19), (JTM)
A-V Petitioner's Response to the Agency's Motion to Dismiss (8/26)

98-31 Roy K. Johnson v. ADM-Demeter, Hoopeston Division and the (KMH)
A&N-E, City of Hoopeston - Awaiting Duplicitous/Frivolous Determination
Citizens (See Respondent ADM's Motion for Extension of Time filed
8/28)

98-32 Owens Oil Company v. IEPA - Accept for Hearing Order (CAM)
UST-FRD

98-33 East Saint Louis Housing Authority v. IEPA - Joint Request for 90- (CAM)
UST-FRD Day Extension of Appeal Period (8/26) - Order
90-Day Ext.

CASES PENDING DECISION

R97-28 In the Matter of: Site-Specific Petition of Mobil Oil Corporation (RCF)
R, Water for Relief From 35 Ill. Adm. Code 304.122, Ammonia Nitrogen
Effluent Standards - Proposed Rule, First Notice, Opinion and
Order

R97-31 In the Matter of: Wood Furniture Coating Amendments to 35 Ill. (RCF)
R, Air Adm. Code Parts 211, 218, and 219, Subpart F - Proposed Rule,
First Notice, Opinion and Order

AS 98-1 In the Matter of: Petition of Carus Chemical Company for an (GTG)
Land Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D

ADJOURNMENT

LIST OF NEW CASES FILED SINCE AUGUST 21, 1997 BOARD MEETING

R98-11	In the Matter of: Amendments to 35 Ill. Adm. Code 501 through 504: Agricultural-Related Pollution (Management of Livestock Waste)
98-31	Roy K. Johnson v. ADM-Demeter, Hoopston Division and the City of Hoopston
98-32	Owens Oil Company v. IEPA
98-33	East Saint Louis Housing Authority v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997

September 18

October 2

October 16 *

November 6

November 20

December 4

December 18

NOTE: All Board Meetings held in Chicago will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting *
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S02	S02 Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		