

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 23, 1993 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AC 91-32 (Dockets A & B), Rochelle Disposal Service, by a vote of 6-1. J. Theodore Meyer dissented. (CAM)

An Opinion and Order was adopted in #93-106, Illinois Landfills, Inc., by a vote of 6-1. R.C. Flemal dissented, and B. Forcade concurred. (JTM)

In R90-26, Landfill Amendments, Foundry & Steel, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 7-0. (JA)

In R92-17, U.S. Army Corps River Dredging, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R93-4, RCRA Update, USEPA Regulations (July 1, 1992 through December 31, 1992), an Adopted Rule, Final Order, Opinion and Order were adopted by a vote of 7-0. (JA)

In R93-17, UIC Update, USEPA Regulations (January 1, 1993 through June 30, 1993), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (MN)

In R93-18, UST Update, USEPA Regulations (January 1, 1993 through June 30, 1993), a Proposed Rule, Dismissal Order Was adopted by a vote of 7-0. (BF)

In R93-19, Safe Drinking Water Act Update, USEPA Regulations (January 1, 1993 through June 30, 1993), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (RCF)

In R93-21, VOM Update, USEPA Regulations (January 1, 1993 through June 30, 1993), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (MN)

In R93-24, Amendments to the Rules for Permit Appeals and Hearings Pursuant to Specific Rules, 35 Ill. Adm. Code, Parts 105 and 106, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (GTG)

In R93-25, Emergency Amendments to the Landfill Rules, 35 Ill. Adm. Code 807.106, an Adopted Emergency Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (CAM)

Default Orders were adopted in these Administrative Citations by a

vote of 7-0: ##93-31, Dino Sarti, Vicki Sarti and Select Environmental, Inc.; 93-32, Burns Alexander; 93-34, Gallatin National Company; 93-35, Waste Management, Inc., d/b/a Five Oaks RDF.

An Order, granting the respondents' motion to withdraw the petition for review, and unless already paid, directing the respondents to pay a \$1,000.00 penalty, within 30 days, was adopted in #AC 93-19, Laidlaw Waste System, by a vote of 7-0. (BF)

An Order renewing the stay of the proceedings until October 21, 1993, and directing the petitioner to file a timely status report with the Board on or before October 21, 1993, was adopted in #AS 88-2, Stepan Company, by a vote of 7-0. (CAM)

An Order granting the Agency until November 11, 1993, to file its response to the petition for an adjusted standard, was adopted in #AS 93-7, Keystone Steel and Wire Company, by a vote of 7-0. (JA)

An Order granting the parties' motion to file a joint status report instanter, directing the parties to submit an additional joint status report by December 1, 1993, and noting that the decision deadline is extended to June 30, 1994 pursuant to the petitioner's waiver contained in the status report, was adopted in #89-30, Olin Corporation, by a vote of 7-0. (CAM)

An Order directing the parties to provide written status reports to be received by the Board no later than October 26, 1993, and reminding the petitioner that failure to timely comply with Board Orders may subject a party to sanctions pursuant to 35 Ill. Adm. Code 101.280, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 6-0. B. Forcade abstained. (RCF)

An Order directing the parties to file a status report on or before December 27, 1993, in the event the appeal has not been dismissed, was adopted in #91-87, Olin Corporation, by a vote of 7-0. (CAM)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from hearing, and advising the parties that the Board will reserve ruling on its request until after the statutory 21 day notice has passed, was adopted in #91-157, The Grigoleit Company, by a vote of 7-0. (JA)

An Order directing the parties to file a status report on or before December 27, 1993, in the event the appeal has not been dismissed, was adopted in #91-207, Olin Corporation, by a vote of 7-0. (CAM)

An Order granting the petitioner's motion to file its status report in response to an August 5, 1993 Board Order instanter, and directing the parties to file an updated status report on or before November 12, 1993, was adopted in #92-23, The Grigoleit Company, by

a vote of 7-0. (JA)

An Order directing the parties to file a status report with the Board concerning the matter on or before November 20, 1993, was adopted in #92-61, Ethyl Petroleum Additives, by a vote of 7-0. (MN)

An Order granting the Complainants' motion to amend the complaint, and directing the parties to file additional status reports no later than November 15, 1993 in the event that the matter has not been settled prior to that time, was adopted in #92-67, Escast, Inc., by a vote of 7-0. (RCF)

An Order directing the parties to submit four copies of the material it wish to incorporate into the proceedings no later than October 7, 1993, was adopted in #92-90, Robertson-Ceco Corporation, by a vote of 7-0. (GTG)

An Order directing the parties to file a status report with the Board by November 23, 1993, which shall address the effect of the adoption of R93-9 in the proceedings, and an estimated date for the conclusion of the matter, was adopted in #92-101, Shell Oil Company, by a vote of 7-0. (MN)

An Order granting the Petitioner's motion to extend the stay of the proceedings until March 15, 1993, and directing the Petitioner to file status reports on a ninety day interval which shall include an estimated date for the termination of the matter, was adopted in #92-105, Weyerhaeuser Company, by a vote of 7-0. (CAM)

An Order granting the Petitioner's motion to extend the stay of the proceedings through January 22, 1994, and directing the Petitioner to file an additional status report on January 10, 1994, was adopted in #92-165, Reichhold Chemicals, by a vote of 7-0. (BF)

An Order directing the parties to file a status report on or before December 27, 1993, in the event that the appeal has not been dismissed, was adopted in #92-175, Olin Corporation, by a vote of 7-0. (RCF)

An Order granting the petitioner's motion for an extension of time to file its closing brief until November 13, 1993, was adopted in #92-212, Pekin Metro Landfill, by a vote of 7-0. (JA)

An Order granting the petitioner's motion for an extension of time to file its closing brief until November 13, 1993, was adopted in #93-1, Pekin Metro Landfill, by a vote of 7-0. (JA)

An Order directing the parties to submit status reports to be received by the Board and the hearing officer no later than October 15, 1993, was adopted in ##93-45, 46, St. Louis Auto Shredding, by a vote of 6-0. B. Forcade abstained. (RCF)

An Order advising the parties that the issues raised in the respondent's motion for summary judgment will be taken with the case-in-chief, and the briefing shall proceed in accordance with the schedule set out by the hearing officer, was adopted in ##93-60, -61, Industrial Salvage, by a vote of 7-0. (RCF)

An Order granting the petitioner's motion to dismiss, and thereby closing the docket, was adopted in #93-70, Joliet Park District, by a vote of 7-0. (JA)

An Order directing the petitioner to file an updated status report on or before November 15, 1993, in the event that the appeal has not previously been dismissed, was adopted in #93-99, LTV Steel Company, by a vote of 7-0. (JA)

An Order granting the Petitioner's motion for leave to withdraw its petition, was adopted in #93-148, R. Lavin & Sons, by a vote of 6-0. B. Forcade abstained. (RCF)

An Order granting the Complainant's motion for an extension of time to respond to the respondent's motion to dismiss until October 2, 1993, was adopted in #93-150, Robert Miehle, by a vote of 7-0. (CAM)

These cases were discussed and ordered held to October 7, 1993 for further discussion or possible decision: ##91-173, Marathon Oil Company (Appellate Court Remand); AS 92-7, Illinois Power Company; AS 92-14, Quantum Chemical Corporation; AC 92-86 (Dockets A & B), Al seaman; AC 93-6 (Dockets A & B), Ruth & Steve Sheppard; 93-114, Browning-Ferris Industries and Ogle County Board.

These regulatory matters were discussed and ordered held to October 7, 1993 for further discussion or possible decision: R91-23, Marathon Oil Company Site-Specific, Proposed Rule, First Notice, Opinion and Order; R93-11, Smaller Source Permit Rules, Proposed Rule, Second Notice, Opinion and Order.

In amended petition #93-169, The Knapheide Manufacturing Company, these actions were taken by a vote of 7-0: held for an agency recommendation and the 120 day decision timeclock restarted with its filing.

In new cases these actions were taken by a vote of 7-0: ##93-161, Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge, ordered held to October 7, 1993 for possible consideration; 93-171, Leo G. Fore et al. v. Midstate Kart Club, held for duplicitous/frivolous determination; 93-172, Inspiration Development Company v. EPA, accepted for hearing and motion to appear pro hac vice for Dorothy L. Korszen, an attorney licensed to practice in Wisconsin was granted, Order by J. Theodore Meyer;

93-173, Quantum Chemical Corporation, USI Division v. EPA, accepted for hearing, **Order by C.A. Manning**; 93-174, Applied Composites Corporation v. EPA, accepted for hearing, **Order by M. Nardulli**; 93-175, TransTechnology Electronics v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-176, Triad Circuits, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; R93-24, Amendments to the Rules for Permit Appeals and Hearings Pursuant to Specific Rules, 35 Ill. Adm. Code Parts 105 and 106 (**See Decisions Agenda**); R93-25, Emergency Amendments to the Landfill Rules, 35 Ill. Adm. Code 807.106 (**See Decisions Agenda**).

These new administrative citation cases were accepted by the Board: ##93-41, Sangamon County v. Stanley Ray Stewart; 93-42, Sangamon County v. Norman Clark and Brenda Bertrand; 93-43, Environmental Protection Agency v. Joseph C. and Della I. Powell.

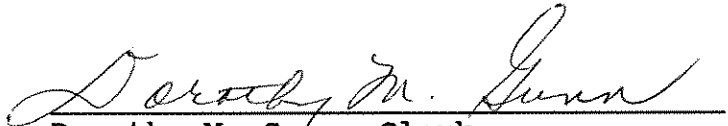
This administrative citation appeal was ordered held to October 7, 1993 for possible consideration: #93-30, Ray Landers.

Minutes of the September 9, 1993 Regular Board Meeting were approved by a vote of 7-0.

Minutes of the September 15, 1993 Special Board Meeting were approved by a vote of 5-0. Drs. R.C. Flemal and G. Tanner Girard abstained.

All other matters not disposed of as listed were ordered held to October 7, 1993 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 7th day of October, 1993, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 23, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 91-32 Rochelle Disposal Service (CAM)
(A & B) _____
- * 93-106 Illinois Landfills, Inc. (JTM) (due)

- R90-26 Landfill Amendments, Foundry & Steel, Proposed
Rule, Second First Notice, Opinion and Order (JA)

- R92-17 U.S. Army Corps River Dredging, Proposed Rule,
First Notice, Opinion and Order (RCF)

- R93-4 RCRA Update, USEPA Regulations (July 1, 1992
through December 31, 1992), Adopted Rule, Final
Order, Opinion and Order (JA)

- R93-17 UIC Update, USEPA Regulations (January 1, 1993
through June 30, 1993), Proposed Rule, Dismissal
Order (MN) _____
- R93-18 UST Update, USEPA Regulations (January 1, 1993
through June 30, 1993), Proposed Rule, Dismissal
Order (BF) _____
- R93-19 Safe Drinking Water Act Update, USEPA Regulations
(January 1, 1993 through June 30, 1993), Proposed
Rule, Dismissal Order (RCF)

*** INDICATES VARIANCE OR PERMIT APPEAL**

DECISIONS: (Cont'd)

- R93-21 VOM Update, USEPA Regulations (January 1, 1993 through June 30, 1993), Proposed Rule, Dismissal Order (MN)_____
- R93-24 Amendments to the Rules for Permit Appeals and Hearings Pursuant to Specific Rules, 35 Ill. Adm. Code, Parts 105 and 106, Proposed Rule, First Notice, Opinion and Order (GTG)_____
- R93-25 Emergency Amendments to the Landfill Rules, 35 Ill. Adm. Code 807.106, Adopted Emergency Rule, Final Order, Opinion and Order (CAM)_____

AC DEFAULT ORDERS:

- 93-31 Dino Sarti, Vicki Sarti and Select Environmental, Inc._____
- 93-32 Burns Alexander_____
- 93-34 Gallatin National Company_____
- 93-35 Waste Management, Inc., d/b/a Five Oaks RDF_____

MOTIONS:

- AC 92-33 Alexander Development Company - Respondent's Motion for Reconsideration of Hearing Costs (9/13) (CAM)_____
- AC 92-64 Rochelle Disposal Service - Respondent's motion to Reconsider August 26, 1993 Board Order (9/21) (CAM)_____
- AC 93-19 Laidlaw Waste Systems - Respondent's Motion to Dismiss Appeal (9/7) (BF)_____
- AS 88-2 Stepan Company - Petitioner's status report in response to August 5, 1993 Board Order (9/16) (CAM)_____

MOTIONS: (Cont'd)

- AS 93-7 Keystone Steel and Wire Company - Agency Motion for Extension of the filing Deadline for the Agency's Response to Petition for Adjusted Standard (9/16) (JA)
-
- 89-30 Olin Corporation - Petitioner's status report in response to June 3, 1993 Board Order and Motion to file Instanter (9/10) (CAM)
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- 91-84 Indian Refining Limited Partnership - Agency status report in response to June 3, 1993 Board Order (9/13) (RCF)
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- 91-87 Olin Corporation - Joint status report in response to June 17, 1993 Board Order (9/20) (CAM)
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- 91-157 The Grigoleit Company - Joint Motion for Relief from Hearing Requirement (9/20) (JA)
-
- 91-207 Olin Corporation - Joint status report in response to June 17, 1993 Board Order (9/20) (CAM)
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- 92-23 The Grigoleit Company - Agency status report in response to August 5, 1993 Board Order (9/20), Petitioner's motion to file status report in response to August 5, 1993 Board Order Instanter (9/22) (JA)
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- 92-61 Ethyl Petroleum Additives - Joint status report in response to July 22, 1993 Board Order (9/20) (MN)
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- 92-67 Escast, Inc. - Complainant's motion to amend the Complaint and Amended Complaint (8/31), Respondent's status report in response to August 5, 1993 Board Order (9/21) (RCF)
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- 92-90 Robertson-Ceco Corporation - Board Order (GTG)
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- 92-101 Shell Oil Company - joint status report in response to May 5, 1993 Board Order (9/13) (MN)
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MOTIONS: (Cont'd)

- 92-105 Weyerhaeuser Company - Petitioner's status report in response to May 20, 1993 Board Order and Motion to Continue Stay (9/14) (CAM)
-
- 92-165 Reichhold Chemicals - Petitioner's status report in response to July 1, 1993 Board Order and Motion to Extend Stay (9/16) (BF)
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- 92-175 Olin Corporation - Joint status report in response to June 17, 1993 Board Order (9/20) (RCF)
-
- 92-212 Pekin Metro Landfill - Agreed Motion to Extend Briefing Schedule (9/15) (JA)
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- 93-1 Pekin Metro Landfill - Agreed Motion to Extend Briefing Schedule (9/15) (JA)
-
- 93-45) St. Louis Auto Shredding - Petitioner's status
93-46) report in response to August 26, 1993 Board Order and Request for new status date (9/16) (RCF)
-
- 93-60) Industrial Salvage - Agency Motion for Summary
93-61) Judgment (8/10) (RCF)
-
- 93-70 Joliet Park District - Petitioner's Motion to Dismiss (9/16) (JA)
-
- 93-99 LTV Steel Company - Petitioner's status report in response to June 17, 1993 Board and Motion to file Instanter (9/14) (JA)
-
- 93-148 R. Lavin & Sons - Petitioner's Motion for Leave to Withdraw Petition (9/16) (RCF)
-
- 93-150 Robert Miehle - Complainant's motion for extension of time to respond to Respondent's motion to dismiss (9/20) (CAM)
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DISCUSSIONS:

- 91-173 Marathon Oil Company (Appellate Court Rmand) (RCF)

- AS 92-7 Illinois Power Company (BF)

- AS 92-14 Quantum Chemical Corporation (RCF) _____
- AC 92-86 Al Seaman (CAM) _____
 (A & B)
- AC 93-6 Ruth & Steve Sheppard (CAM)
 (A & B) _____
- * 93-114 Browning-Ferris Industries and Ogle County Board
 (due 10/7) (CAM) _____
- _____

REGULATORY DISCUSSIONS:

- R91-23 Marathon Oil Company Site-Specific, Proposed Rule,
 First Notice, Opinion and Order (RCF)

- R93-11 Smaller Source Permit Rules (RCF)

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AMENDED PETITIONS:

- 93-169 The Knapheide Manufacturing Company (filed 9/16)
 (CAM) _____

NEW CASES:

- 93-161 Joseph A. Schrantz, Charles Hullihan, Frank Owoc, and Elizabeth Stearns v. Village of Villa Park, DuPage County Division of Transportation, Villa Park Rotary Club, Kiwanis Club, and Masonic Lodge (See the Rotary Club of Villa Park's Motion to Dismiss filed 9/13; Village of Villa Park's Motion to Dismiss filed 9/15; Complainants' Reply to Motion to Dismiss Complaint filed 9/16; Rotary Club of Villa Park's Amended Motion to Dismiss filed 9/17; motion to dismiss by Villa Park Masonic Lodge filed 9/20; Complainant's Reply to Amended Motion to Dismiss Complaint filed 9/20; and Complainant's Reply to Villa Park's Kiwanis Club's Motion to Dismiss filed 9/21) (CAM)
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- 93-171 Leo G. Fore et al. v. Midstate Kart Club (MN)
-
- 93-172 Inspiration Development Company v. EPA (See also motion to appear pro hac vice) (JTM)
-
- 93-173 Quantum Chemical Corporation, USI Division v. EPA (CAM)
-
- 93-174 Applied Composites Corporation v. EPA (MN)
-
- 93-175 TransTechnology Electronics v. EPA (Provisional Variance) (CAM)
-
- 93-176 Triad Circuits, Inc. v. EPA (Provisional Variance) (CAM)
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- R93-24 Amendments to the Rules for Permit Appeals and Hearings Pursuant to Specific Rules, 35 Ill. Adm. Code Parts 105 and 106 (SEE DECISIONS AGENDA)
- R93-25 Emergency Amendments to the Landfill Rules, 35 Ill. Adm. Code 807.106 (SEE DECISIONS AGENDA)
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NEW AC CASES:

- 93-41 Sangamon County v. Stanley Ray Stewart_____

NEW AC CASES: (Cont'd)

93-42 Sangamon County v. Norman Clark and Brenda Bertrand

93-43 Environmental Protection Agency v. Joseph C. and
Della I. Powell _____

AC APPEALS:

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

MINUTES:

September 9, 1993 _____

September 15, 1993 (Special Board Meeting) _____