

JTM

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
DECEMBER 16, 1993 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #92-74, Kenneth & Cynthia Metivier, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #92-191, People of the State of Illinois v. PPG Industries, Inc., by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

An Opinion and Order was adopted in #93-57, People of the State of Illinois v. Illinois Ayers Oil Company, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #93-135, City of Springfield, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #93-159, Perma-Treat of Illinois, by a vote of 5-2. C. Manning and M. McFawn dissented. (GTG)

An Opinion and Order was adopted in #93-178, General Chemical Corporation, by a vote of 7-0. (MN)

An Opinion and Order was adopted in 93-214, People of the State of Illinois v. Handy & Harman, by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

An Opinion and Order was adopted in #93-216, People of the State of Illinois v. Aluminum Coil Anodizing Corporation, by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

An Opinion and Order was adopted in #93-229, People of the State of Illinois v. Hydraulic Research Company, d/b/a Accurate Brake and Clutch Exchange, by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

An Opinion and Order was adopted in #93-231, People of the State of Illinois v. Prestwick Utilities Company, by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

In R86-9(B), Hazardous Waste Prohibitions, a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (GTG)

In R92-17, U.S. Army Corps River Dredging, a Supplemental Opinion was adopted by a vote of 7-0. (RCF)

In R92-19, Amendments to Landfill Regulations: Deletion of 35 Ill. Adm. Code 811.310(d)(1)(F) and 813.106(b) Pursuant to Waste Management of Illinois v. IPCB, (1st Dist. 1992), an Adopted Rule,

Correction Order was adopted by a vote of 7-0. (GTG)

In R93-8, UNO-VEN Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JTM)

An Order dismissing the proceedings and closing the docket, was adopted in #93-197, UNO-VEN Company, by a vote of 7-0. (JTM)

In R93-10, RCRA Subtitle D Amendments, an Adopted Rule, Final Order, Supplemental Opinion and Order was adopted by a vote of 7-0. (GTG)

In R93-16, RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), a Proposal for Public Comment, Proposed Opinion and Order, was adopted by a vote of 7-0. (ED)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #AC 93-52, EPA v. Craig Linton.

An Order renewing the stay of the proceedings until February 17, 1993, and directing the Petitioner to file a timely status report on or before February 10, 1994, was adopted in #AS 88-2, Stepan Company, by a vote of 7-0. (CAM)

An Order extending the stay of the proceedings until March 3, 1994, and directing the Petitioner to file an updated status report on or before February 24, 1994, indicating whether the rule is finally promulgated by USEPA, whether the adjusted standard docket continues to be necessary and whether an additional status report is required, was adopted in #AS 91-8, Reynolds Metal Company, by a vote of 7-0. (CAM)

A joint motion for an extension of time to file a joint petition was granted until January 3, 1994, in #AS 92-13, Alumax, Inc., by a vote of 7-0. (MMcF)

Petitioner's motion to stay was granted until February 17, 1994, in #AS 93-1, Quantum Chemical, by a vote of 7-0. (CAM)

An Order granting the motion for leave to file instanter, accepting the joint status report, directing the parties to file an additional status report on or before February 14, 1994, and advising the parties that if the case is not dismissed or otherwise resolved by February 14, 1994, and a hearing is required, an additional waiver of the statutory decision deadline should be filed in conjunction with the February status report, was adopted in #89-30, Olin Corporation, by a vote of 7-0. (CAM)

An Order directing the parties to file a revised status report on or before March 21, 1994, and advising the parties that if the case is not dismissed or otherwise resolved by April 1, 1994, and a hearing is required, an additional waiver of the statutory decision

deadline should be filed, was adopted in #90-215, Spraying Systems Company, by a vote of 7-0. (ED)

An Order directing the parties to file status reports with the Board by February 15, 1994, was adopted in #91-86, Raymond and Mary Moore, by a vote of 7-0. (MMcF)

An Order directing the parties to file an updated status report on or before January 28, 1994, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 7-0. (CAM)

An Order directing the parties to file a status report with the Board to be received by the Board no later than February 16, 1994, was adopted in #91-122, Condecor, Inc., by a vote of 7-0. (GTG)

An Order directing the parties to file a status report with the Clerk of the Board on or before January 14, 1994, which should indicate the status of the USEPA action on the locomotive coating operations rule, Petitioner's request to the Agency to reconsider the rules applicable to the silicone rubber priming and electrical insulating varnish operation, whether a hearing will be necessary and any projected timeline for completion of these matters, and also directing that a copy of the status report be served on the assigned hearing officer, was adopted in #91-160, General Motors Corporation Electro-Motive Division, by a vote of 7-0. (CAM)

An order granting the Petitioner's request for a stay until March 1, 1994, and directing the parties to file a status report with the Board to be received by the Board no later than March 1, 1994, was adopted in #91-197, Cabot Corporation, by a vote of 7-0. (GTG)

An Order directing the parties to file additional status reports with the Board by April 1, 1994, was adopted in #92-60, Kean Oil Company, by a vote of 7-0. (MMcF)

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 #92-84, Berkshire Furniture Company, Inc., d/b/a Fashion Bed Group (formerly known as Allegheny Steel and Brass Corporation), by a vote of 7-0. (CAM)

An Order accepting the Petitioner's status report, and directing the Petitioner to file an updated status report with the Board no later than January 14, 1994, which shall indicate the status of the proceedings with the Office of the State Fire Marshal, and include a projection as to the timing of further proceedings before the Board, was adopted in #92-102, Moline/Dutchway Dry Cleaners, by a vote of 7-0. (JTM)

An order directing the parties to file a status report with the

Board to be received by the Board no later than March 15, 1994, was adopted in #92-143, Dietzgen Corporation, by a vote of 7-0. (GTG)

An Order directing the parties to file an updated status report with the Board on or before February 6, 1994, was adopted in #92-164, Bernice Kershaw and Darwin Dale Kershaw, d/b/a Kershaw Mobile Home Park, by a vote of 7-0. (GTG)

An Order directing the parties to file a status report with the Clerk of the Board and the assigned hearing officer on or before January 14, 1994, which should indicate the status of any on-going negotiations, whether the parties anticipate reaching settlement and if possible, a projected timeline for completion of settlement, was adopted in #93-3, Archer Daniels Midland, by a vote of 7-0. (CAM)

Petitioner's voluntary motion to withdraw its petition for review was granted in #93-12, H & H Towing-Phillips 66, by a vote of 7-0. (JTM)

Petitioner's stipulation of dismissal was granted in ##93-18, -19, City of Roodhouse, by a vote of 7-0. (MN)

An Order directing the parties to file a status report with the Clerk of the Board and the assigned hearing officer on or before January 14, 1994, which should indicate the status of any on-going negotiations, whether the parties anticipate reaching settlement and if possible, a projected timeline for completion of settlement, was adopted in #93-29, 5566 Building Partnership, 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 #93-85, Liquid Air Corporation, by a vote of 7-0. (MN)

An Order granting the City of Hoopeston's and Illinois Landfills' Motions for reconsideration, and upon reconsideration, the Board reaffirmed its September 23, 1993 Opinion and Order finding that the City of Hoopeston's decision must be reversed, was adopted in #93-106, Illinois landfills, by a vote of 5-1. M. McFawn abstained and R.C. Flemal dissented. (JTM)

An Order denying the joint motion for reconsideration and/or rehearing of the Board's October 7, 1993 Order, was adopted in #93-114, Browning-Ferris Industries, by a vote of 6-0. M. McFawn abstained. (CAM)

An order finding that the Respondent's counterclaims are not duplicitous or frivolous, and the counterclaims shall be taken with

the case-in-chief and shall be considered in the course of the hearing, was adopted in #93-150, Robert Miehle, by a vote 7-0.
(CAM)

An Order granting the Agency's motion to dismiss the action as moot and closing the docket, was adopted in #93-190, Municipal Solid Waste Landfills, by a vote of 7-0. (GTG)

Petitioner's motion to withdraw was granted in #93-207, Naval Training Center Great Lakes, by a vote of 7-0. (JTM)

Petitioner's motion to dismiss was granted in #93-226, Dimitri's Auto Service, by a vote of 7-0. (JTM)

An Order granting the Petitioner's request for an interim stay, was adopted in #93-233, Enviropur Waste Refining and Technology, by a vote of 7-0. (GTG)

An Order directing the Agency to file a status report on or before January 14, 1994, was adopted in R90-1(B), Toxic Air Contaminant List, Environmental Effects Consideration, by a vote of 7-0.
(CAM)

An Order directing the parties to file an additional status report with the Clerk of the Board and the hearing officer on or before January 14, 1994 identifying the progress of the negotiations in the matter, and further extending the stay until January 20, 1994, was adopted in R90-1(C), Toxic Air Contaminant List, Reporting Requirements, by a vote of 7-0. (CAM)

An Order construing the Petitioner's request as a motion for waiver of hearing, and since no request for hearing has been received from the Agency or any other person, Petitioner's request for waiver of the hearing was granted and the Board rescinded its December 2, 1993 Order to the extent that it authorized the matter for hearing, advising the Agency that it has until January 6, 1994, to react to the Petitioner's second amendment of its petition, and reserving the authority to order a hearing if the Agency or any other person responds to the petition as amended, or requests a hearing, was adopted in #AS 93-7, Keystone Steel and Wire Company, by a vote of 7-0. (ED)

This regulatory matter was discussed and orderd held to January 6, 1994 for further discussion or possible decision: R93-14, RACT for Major Sources Emitting VOM's in the Chicago Nonattainment Area: 25 Tons, Adopted Rule, Final Order, Opinion and Order.

In Amended Petitions, these actions were taken by a vote of 7-0: #93-215, Marvin Damron, accepted for hearing, Order by G. Tanner Girard; 93-230, The Village of Hodgkins, accepted for hearing, Order by M. Nardulli; 93-246, City of Elgin, additional information

requested, Order by M. Nardulli.

In new cases these actions were taken by a vote of 7-0: ##93-171, Leo G. Fore et al. v. Midstate Kart Club, Respondents' motion to dismiss was granted, Order by M. Nardulli; 93-192, The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association, accepted for hearing, Order by M. Nardulli; 93-247, Valerie Johnson, Michael Brenston, Cheryl Johnson v. Emergency Preparedness & Disaster Services, Chicago Fire Department, and City of Chicago, held for duplicitous/frivolous determination; 93-248, People of the State of Illinois v. John Prior and Industrial Salvage, Inc., hearing mandatory; 93-249, Glenbard Wastewater Authority v. EPA, accepted for hearing, Order by E. Dunham; 93-250, People of the State of Illinois v. Clark Oil & Refining Corporation (Wood River Refinery), hearing mandatory; 93-251, The Hertz Corporation v. EPA, provisional variance granted, Order by C.A. Manning; 93-252, Phillips 66 Company v. EPA, provisional variance granted, Order by C.A. Manning; 93-253, Graham Oil Company v. EPA, provisional variance granted, Order by C.A. Manning; 93-254, T.M.L. Associates, Inc., d/b/a Amoco Food Shop The Crossing v. EPA, provisional variance granted, Order by C.A. Manning.

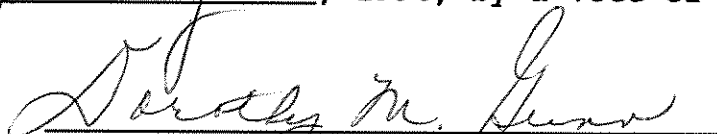
These Administrative Citations were accepted by the Board: ##93-61, EPA v. Illinois Waste Systems; 93-62, Montgomery County, Illinois v. Prosper Guyot; 93-63, Montgomery County, Illinois v. Prosper Guyot; 93-64, EPA v. Otto L. Myles.

Amended Adjusted Standard #93-8, Akzo Chemicals, Inc., was accepted by the Board.

Minutes of the December 2, 1993 Board Meeting were approved with corrections by a vote of 7-0.

All other matters not disposed of as listed were ordered held to January 6, 1994 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 16, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

AS 93-7 Keystone Steel & Wire Company - Board Order (ED)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 16, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

92-74	Kenneth & Cynthia Metivier (JTM)
92-191	People of the State of Illinois v. PPG Industries, Inc. (CAM) (Stipulation)
93-57	People of the State of Illinois v. Illinois Ayers Oil Company (JTM) (Stipulation)
* 93-135	City of Springfield (MN) (due)
* 93-159	Perma-Treat of Illinois (GTG) (due)
* 93-178	General Chemical Corporation (MN) (due 2/17)
* 93-197	UNO-VEN Company (JTM) (due 2/17)
93-214	People of the State of Illinois v. Handy & Harman (CAM) (Stipulation)
93-216	People of the State of Illinois v. Aluminum Coil Anodizing Corporation (CAM) (Stipulation)
93-229	People of the State of Illinois v. Hydraulic Research Company, d/b/a Accurate Brake and Clutch Exchange (CAM) (Stipulation)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- 93-231 People of the State of Illinois v. Prestwick
Utilities Company (CAM) (Stipulation)

- R86-9 Hazardous Waste Prohibitions, Dismissal Order (GTG)
(B)

- R92-17 U.S. Army Corps River Dredging, Supplemental
Opinion (RCF)

- R92-19 Amendments to Landfill Regulations: Deletion of 35
Ill. Adm. Code 811.310(d)(1)(F) and 813.106(b)
Pursuant to Waste Management of Illinois v. IPCB,
(1st Dist. 1992), Adopted Rule, Correction Order,
Order (GTG)

- R93-8 Uno-Ven Site-Specific, Adopted Rule, Final Order,
Opinion and Order (JTM)

- R93-10 RCRA Subtitle D Amendments (GTG)

- R93-16 RCRA Update, USEPA Regulations (January 1, 1993
through June 30, 1993), Proposal for Public
Comment, Proposed Opinion and Order (ED)

AC DEFAULT ORDERS:

- 93-52 EPA v. Craig Linton

MOTIONS:

- AS 88-2 Stepan Company - Petitioner's Status Report in
Response to October 21, 1993 Board Order and
Request to Continue Stay (12/13) (CAM)

- AS 91-8 Reynolds Metals Company - Petitioner's Status
Report in Response to October 21, 1993 Board Order
(12/13) (CAM)

MOTIONS: (Cont'd)

- AS 92-13 Alumax, Inc. - Joint Motion for Extension of Time to file the Joint Petition (12/14) (MMcF)
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- AS 93-1 Quantum Chemical - Petitioner's Motion to Stay (11/24) (CAM)
-
- 89-30 Olin Corporation - Motion for Leave to File Joint Status Report in Response to September 23, 1993 Board Order Instanter (12/3) (CAM)
-
- 89-184 The Grigoleit Company - Motion for Order Assessing Sanctions and Remandment for Issuance of Air Operating Permit without Special Conditions (12/15) (CAM)
-
- 90-215 Spraying Systems - Joint Status Report in Response to September 9, 1993 Board Order (12/10) (ED)
-
- 91-86 Raymond & Mary Moore - Petitioners' Status Report in Response to November 4, 1993 Board Order (MMcF)
-
- 91-94 Safety-Kleen Corporation - Petitioner's Status Report in Response to October 21, 1993 Board Order (12/15) (CAM)
-
- 91-122 Condecor, Inc. - Joint Status Report in Response to November 18, 1993 Board Order (12/9) (GTG)
-
- 91-160 General Motors Corporation - Status Report Order (CAM)
-
- 91-197 Cabot Corporation - Petitioner's Status Report in Response to August 5, 1993 Board Order and Motion to Continue Stay (12/1) (GTG)
-
- 92-60 Kean Oil Company - Petitioner's Status Report in Response to November 4, 1993 Board Order (MMcF)
-
- 92-84 Berkshire Furniture Company - Motion to Request Relief from Hearing Requirement (12/14) (CAM)
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MOTIONS: (Cont'd)

- 92-102 Moline/Dutchway Dry Cleaners - Petitioner's Status Report in Response to November 4, 1993 Board Order (12/6) (JTM) _____
- 92-143 Dietzgen Corporation - Petitioner's Status Report in Response to September 9, 1993 Board Order (12/9), Agency Status Report in Response to September 9, 1993 Board Order (12/10) (GTG) _____
- 92-164 Bernice & Darwin Kershaw - Joint Status Report in Response to August 26, 1993 Board Order (12/2) (GTG) _____
- 93-3 Archer Daniels Midland - Status Report Order (CAM) _____
- 93-12 H & H Towing-Phillips 66 - Petitioner's Voluntary Motion to Withdraw Petition for Review (12/2) (JTM) _____
- 93-18) City of Roodhouse - Stipulation of Dismissal (12/6)
93-19) (MN) _____
- 93-29 5566 Building Partnership - Status Report Order (CAM) _____
- 93-77 Highland Park School District #108 - Petitioner's Status Report in Response to November 18, 1993 Board Order (12/6) (ED) _____
- 93-85 Liquid Air Corporation - Motion to Request Relief from Hearing Requirement (12/13) (MN) _____
- 93-104 Griffin Service - Agency Motion for Summary Judgment (11/12), Petitioner's Motion for an Extension of Time to Respond to Pending Motions (12/1) (MN) _____
- 93-106 Illinois Landfills - City of Hoopston's Motion for Reconsideration of September 23, 1993 Board Order (10/25), Illinois Landfills' Motion for Reconsideration of September 23, 1993 Board Order (10/27) (JTM) _____

MOTIONS: (Cont'd)

- 93-108 Fiatallis North America - Agency Motion to Reconsider October 21, 1993 Board Order (11/29), Petitioner's Response to Agency Motion to Reconsider and Petitioner's Motion for Leave to Cite Additional Authority Instanter (12/13) (MN)
-
- 93-114 Browning-Ferris Industries - Joint Motion for Reconsideration and/or Rehearing (11/10), Petitioner's Response to Joint Motion for Reconsideration (11/23), Joint Reply to Petitioner's Response to Motion for Reconsideration (12/1) (CAM)
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- 93-142 HACO, Inc. - Petitioner's Motion for Leave to file Brief Instanter (12/13) (RCF)
-
- 93-150 Robert Miehle - Board Order (CAM)
-
- 93-190 Municipal Solid Waste Landfills - Agency Motion to Stay Board Consideration (11/12), Agency Motion to Dismiss (11/29) (GTG)
-
- 93-197 UNO-VEN Company - Agency Motion for Leave to File Variance Recommendation Instanter (12/10) (JTM)
-
- 93-207 Naval Training Center Great Lakes - Petitioner's Notice of Withdrawal of Petition for Variance (12/13) (JTM)
-
- 93-226 Dimitri's Auto Service - Stipulation of Settlement and Dismissal (12/15) (JTM)
-
- 93-233 Enviropur Waste Refining & Technology - Petitioner's Motion for Stay (11/24) (See page 11 of Petition filed 11/24) (GTG)
-

MOTIONS: (Cont'd)

R90-1 Toxic Air Contaminants List, Environmental Effects
(B) Consideration - Board Order CAM)

R90-1 Toxic Contaminants List, Reporting Requirements -
(C) Board Order (CAM)

R90-1 Toxic Air Contaminants List, Styrene - Styrene
(D) Information and Research Center's Motion to Stay
(11/12) (CAM)

REGULATORY DISCUSSIONS:

R93-14 RACT for Major Sources Emitting VOM's in the
Chicago Nonattainment Area: 25 Tons, Adopted Rule,
Final Order, Opinion and Order (JTM)

AMENDED PETITIONS:

93-215 Marvin Damron (filed 12/2) (GTG)

93-230 The Village of Hodgkins (filed 12/13) (MN)

93-246 City of Elgin (filed 12/15) (MN)

NEW CASES:

93-171 Leo G. Fore et al. v. Midstate Kart Club (See also
Respondents' Motion to Dismiss filed 10/12;
Complainant's Response to October 7, 1993 Board
Order filed 11/5; Respondent's Response to October
7, 1993 Board Order filed 11/29; Complainant's
Response to November 18, 1993 Board Order filed
12/2) (MN)

NEW CASES: (Cont'd)

93-192 The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association (See Complainant's Response to November 18, 1993 Board Order filed 12/8; Respondent Decatur Macon County Fair Association's Response to November 18, 1993 Board Order filed 12/9) (MN)

93-247 Valerie Johnson, Michael Brenston, Cheryl Johnson v. Emergency Preparedness & Disaster Services, Chicago Fire Department, City of Chicago (MMcF)

93-248 People of the State of Illinois v. John Prior and Industrial Salvage, Inc. (GTG)

93-249 Glenbard Wastewater Authority v. EPA (ED)

93-250 People of the State of Illinois v. Clark Oil & Refining Corporation (Wood River Refinery)

93-251 The Hertz Corporation v. EPA (Provisional Variance) (CAM)

93-252 Phillips 66 Company v. EPA (Provisional Variance) (CAM)

93-253 Graham Oil Company v. EPA (Provisional Variance) (CAM)

93-254 T.M.L. Associates, Inc., d/b/a Amoco Food Shop The Crossing v. EPA (Provisional Variance) (CAM)

NEW AC CASES:

93-61 EPA v. Illinois Waste Systems

93-62 Montgomery County, Illinois v. Prosper Guyot

93-63 Montgomery County, Illinois v. Prosper Guyot

NEW AC CASES: (Cont'd)

93-64 EPA v. Otto L. Myles _____

AMENDED ADJUSTED STANDARDS:

93-8 Akzo Chemicals, Inc. (filed 11/12) (GTG) _____

MINUTES:

December 2, 1993 _____