

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF BOARD MEETING
FEBRUARY 9, 1995 CHICAGO, ILLINOIS**

After calling the meeting to Order, Chairman Manning recognized the presence of Julie Hyun, Secretary to Joseph Yi and Chuck Feinen. Thereafter, the Clerk was asked for a roll call and all Board Members answered present save J. Theodore Meyer who was absent.

Minutes of the February 2, 1995 Board Meeting were approved by a vote of 4-0. Messrs. E. Dunham and G. Tanner Girard abstained.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$15,000.00, was adopted in #95-5, People of the State of Illinois v. Midwest Grain Products of Illinois, Inc., by a vote of 6-0.

A provisional variance was granted in #95-46, Avon Products, Inc. v. IEPA, by a vote of 6-0. (CAM)

An Order granting the Respondent's motion to withdraw the petition for review, was adopted in #AC 94-71, IEPA v. Atkinson Landfill Company, Inc., by a vote of 6-0. (ED)

An Order consolidating the matters for hearing purposes only, was adopted in ##AC 94-98, -95-1, -2, People of the County of Will v. CDT Landfill, by a vote of 6-0. (CAM)

These Administrative Citations were accepted by the Board: ##AC 95-9, IEPA v. Robert L. Buck, Marie M. Buck, and Darrell Buck; 95-10, IEPA v. William Kinney; 95-11, IEPA v. Gordon McCann and Larson Foundation; 95-12, IEPA v. Joe Perry; 95-13, IEPA v. Staunton Fuel & Material, Inc.; 95-14, IEPA v. Ken Lomax and Ken Lomax Enterprises, Inc..

An Order granting a joint motion for extension of time until February 22, 1995, for the Agency to submit its response to the Petitioner's amended petition, was adopted in #AS 94-2, Petition of Solar Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart PP, by a vote of 6-0. (McF)

The Board accepted this amended Adjusted Standard: 94-4, Petition of Chase Products Company for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD.

An Order granting the Agency's motion for a further extension of time until March 1, 1995, to file its recommendation, was adopted in #AS 94-16, Petition of Wood River for an Adjusted Standard from 35 Ill. Adm. Code 306.305(a) and (b), by a vote of 6-0. (ED)

An Order granting the Petitioner's motions to incorporate prior proceedings and for waiver of filing requirements, and Exhibits A

through V to the petition from AS 94-17 shall be incorporated into AS 95-2, and advising the Petitioner that the Board will not accept its petition for hearing until after receipt of the certificate of publication, was adopted in #AS 95-2, Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD₅) and Ammonia Nitrogen, by a vote of 6-0.

An Order accepting the joint status report in response to a September 1, 1994 Board Order, and directing the parties to file a status report by August 1, 1995, or such time as the United States Environmental Protection Agency takes action on the pending Federal Implementation Plan, whichever is earlier, was adopted in #91-162, Minnesota Mining and Manufacturing Company v. IEPA, by a vote of 6-0. (MCF)

An Order granting the Petitioner's motion to withdraw its petition for review, was adopted in #92-216, U.S. Department of the Army (Rock Island Arsenal) v. IEPA, by a vote of 6-0. (JCY)

An Order granting an extension of the stay in the matter until June 21, 1995, and directing the parties to file status reports with the Board on or before June 23, 1995, was adopted in ##93-99, -94-333, LTV Steel Company v. IEPA, by a vote of 6-0. (ED)

An Order granting the Petitioner's motion for an extension of time until February 16, 1995, to file its response to the Agency's motion for summary judgment, was adopted in #94-332, Western Lion, Ltd., v. IEPA, by a vote of 6-0. (CAM)

An Order granting the Petitioner's motion for an extension of time until March 15, 1995, to file an amended petition, and advising the Petitioner that the Board will not accept "fax" filings and all documents that the Petitioner wishes to submit to the Board must be filed either in person or by mail as stated in the Board's procedural rules, was adopted in #94-387, Mr. "C" Food & Liquor, Inc. v. Office of the State Fire Marshal, by a vote of 6-0. (CAM)

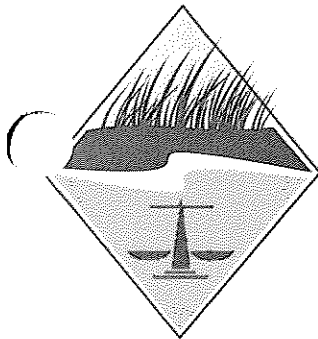
This case was accepted for hearing: #95-47, People of the State of Illinois v. W.O.W. Truck Lines, Inc..

An Order consolidating the matters for hearing purposes only was adopted in ##95-43, -48, Kathe's Auto Service Center, Inc. v. IEPA, by a vote of 6-0.

There being no further business, the meeting was adjourned at 11:17 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 16th day of February, 1995, by a vote of 6-0.

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



ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS POLLUTION CONTROL BOARD FINAL AGENDA FEBRUARY 9, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 11-512 11:00 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Fiemal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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148 North Third Street
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815-753-1904
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I. ADMINISTRATIVE MATTERS

Roll Call

Minutes

February 2, 1995

II. ADJUDICATORY ACTIONS

Stipulated Settlements in State Enforcement Cases

95-5 People of the State of Illinois v. Midwest Grain Products of Illinois, Inc. - Stipulation

Provisional Variances

95-46 Avon Products, Inc. v. IEPA - (CAM)

III. PROCESS ORDERS

AC 94-71 IEPA v. Atkinson Landfill Company, Inc. - Respondent's Motion to Withdraw Petition for Review (2/3)(ED)

AC 94-98) People of the County of Will v. CDT Landfill
AC 95-1) (Consolidation Order)(CAM)
AC 95-2

PROCESS ORDERS (Cont'd)

AC 95-9 IEPA v. Robert L. Buck, Marie M. Buck, and Darrell Buck (Accept Case - No Order)

AC 95-10 IEPA v. William Kinney (Accept Case - No Order)

AC 95-11 IEPA v. Gordon McCann and Larson Foundation (Accept Case - No Order)

AC 95-12 IEPA v. Joe Perry (Accept Case - No Order)

AC 95-13 IEPA v. Staunton Fuel & Material, Inc. (Accept Case - No Order)

AC 95-14 IEPA v. Ken Lomax and Ken Lomax Enterprises, Inc. (Accept Case - No Order)

AS 94-2 Petition of Solar Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart PP - Joint Motion for Extension of Time (2/1)(McF)

AS 94-4 Petition of Chase Products Company for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD - Petitioner 's Motion for Leave to File Second Amended Petition for an Adjusted Standard Instanter and Second Amended Petition (1/17)(**Accept Amended Petition - No Order**) (McF)

AS 94-16 Petition of the City of Wood River for an Adjusted Standard from 35 Ill. Adm. Code 306.305(a) and (b) - Agency Motion for Further Extension of time to file Agency Recommendation (2/7)(ED)

PROCESS ORDERS (Cont'd)

AS 95-2 Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD₅) and Ammonia Nitrogen -
Petitioners Motion to Incorporate Prior Proceedings and Motion for Waiver of Filing Requirements (2/6)

91-162 Minnesota Mining and Manufacturing Company v. IEPA - Joint Status Report in Response to September 1, 1994 Board Order (2/1)(McF)

92-216 U.S. Department of the Army (Rock Island Arsenal) v. IEPA -
Petitioner's Motion to Withdraw Petition for Review (2/6)(JCY)

93-99) LTV Steel Company v. IEPA -
94-333) Petitioner's Status Report in Response to December 14, 1994 Board Order (2/2)(ED)

94-278 Reichold Chemicals, Inc. v. IEPA - Agency Motion to Consolidate with PCB 92-165 (2/6)(CAM)

94-332 Western Lion , Ltd. v. IEPA -
Petitioner's Motion for Extension of Time to File (2/2)(CAM)

94-387 Mr. "C" Food & Liquor, Inc. v. Office of the State Fire Marshal -
Motion for Extension of Time (2/1)(CAM)

95-47 People of the State of Illinois v. W.O.W. Truck Lines, Inc. (Accept Case - No Order)

95-43) Kathe's Auto Service Center, Inc. v. IEPA (Consolidation
95-48) Order)

IV. ADJOURNMENT

LIST OF NEW CASES FILED SINCE FEBRUARY 2, 1995 BOARD MEETING

- R95-9 Illinois Farm Bureau Petition for Amendments to 35 Ill. Adm. Code 810.103 (Solid Waste Disposal: General Provisions)
- AC 95-9 IEPA v. Robert L. Buck, Marie M. Buck, and Darrell Buck
- AC 95-10 IEPA v. William Kinney
- AC 95-11 IEPA v. Gordon McCann and Larson Foundation
- AC 95-12 IEPA v. Joe Perry
- AC 95-13 IEPA v. Staunton Fuel & Material, Inc.
- AC 95-14 IEPA v. Ken Lomax and Ken Lomax Enterprises, Inc.
- AS 95-2 The Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD₅) and Ammonia Nitrogen
- 95-46 Avon Products, Inc. v. IEPA
- 95-47 People of the State of Illinois v. W.O.W. Truck Lines, Inc.
- 95-48 Kathe's Auto Service Center, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE

February 16

March 16

April 20

May 18

June 15