

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING JUNE 1, 1995 CHICAGO, ILLINOIS

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

Minutes of the May 18, 1995 Board Meeting were approved by a vote of 6-0. Board Member J. Yi abstained.

Minutes of the May 25, 1995 Board Meeting were approved by a vote of 4-0. Chairman Claire A. Manning and Messrs. R.C. Flemal and G. Tanner Girard abstained.

In R95-4, -R95-6, UIC Update, USEPA Regulations (July 1, 1994 through December 31, 1994) and RCRA Subtitle C Update, USEPA Regulations (July 1, 1994 through December 31, 1994), an Adopted Rule, Final Order, Opinion and Order were adopted by a vote of 7-0. Board Member M. McFawn concurred. (ED)

An Order granting the Agency's motion for an extension of time until September 30, 1995 to file the Agency's recommendation, was adopted in #AS 94-18, Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218, by a vote of 7-0. (McF)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$15,000.00, was adopted in #94-201, People of the State of Illinois v. Becker Brothers, Inc., and G. Raymond Becker, Jr., by a vote of 7-0. Board Member J. Theodore Meyer concurred. (McF)

An Opinion and Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$15,000.00, was adopted in #95-139, People of the State of Illinois v. MBL (USA) Corporation, by a vote of 7-0. Board Member J. Theodore Meyer concurred.

An Opinion and Order accepting the revised Stipulation and pursuant to that agreement finding respondent Rochelle Disposal Service in violation of Section 21(o)(5) and (12) of the Act and assessing the statutory penalty of five hundred dollars for each alleged violation, for a total of \$1,000.00, was adopted in #AC 94-37, County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc., by a vote of 7-0. Board Member J. Theodore Meyer concurred. (JY)

An Order granting the complainant's motion to modify and vacating and replacing the Board's April 20, 1995 Order that directs the respondent to pay the assessed penalty to the Sangamon County Department of Public Health, was adopted in #AC 94-76, Sangamon

County v. SLC of Springfield, Inc., by a vote of 7-0. (JY)

An Order granting the respondents' motion to withdraw its petition for review, and unless already paid, directing the respondents to pay a \$500.00 penalty within 30 days of the date of the order, was adopted in #AC 94-94, IEPA v. Wayne D. Alberts and Sharon J. Alberts, by a vote of 7-0. (JY)

An Order denying the complainant's motion to dismiss respondent Orville Bartels' petition for review, was adopted in #95-26, IEPA v. Orville Bartels and Frank Blair, by a vote of 7-0. (JTM)

A Default Order was adopted in #AC 95-27, IEPA v. Browning-Ferris Industries, by a vote of 7-0.

A Default Order was adopted in #AC 95-30, IEPA v. Knox County Landfill Committee, by a vote of 7-0.

An Order granting the petitioner's motion to consolidate, was adopted in ##94-243, - 306, - 307, - 308, - 309, 95-133, - 134, ESG Watts, Inc. v. IEPA, by a vote of 7-0. (GTG)

An Opinion and Order granting the petitioner's motion to dismiss, directing the parties to effectuate their agreement, and incorporating the letters of May 5, 1995 and May 10, 1995 between the parties expressing the terms of the settlement, and advising the petitioner that the Board cannot grant the petitioner the right to refile its petition for review since appeals can only be filed within 35 days of the Agency's Determination, was adopted in #94-312, Spraylat Corporation v. IEPA, by a vote of 7-0. (ED)

An Order granting the petitioner's motion to withdraw and closing the docket, was adopted in #95-39, W.R. Grace - Connecticut, Grace Constructio Products v. IEPA, by a vote of 7-0. (GTG)

An Order granting the Agency's motion for an extension of time until September 1, 1995 to file the Agency's recommendation, was adopted in #95-90, Minnesota Mining and Manufacturing Company v. IEPA, by a vote of 7-0. (CAM)

An Order granting the respondents' unopposed motion for an extension of time until June 14, 1995 in which to file an answer, was adopted in #95-91, People of the State of Illinois v. Bell sports, Inc., Waste Hauling Landfill, Inc., and Waste Hauling, Inc., by a vote of 7-0. (CAM)

An Order staying the proceedings and directing the parties to file all future status reports with the hearing officer beginning with the next joint status report no later than August 31, 1995, was adopted in #91-49, LTV Steel Company v. IEPA, by a vote of 7-0. (RCF)

An Order accepting the petitioner's status report in response to a March 2, 1995 Board Order, and directing the filing of two new status reports to be filed with the Board and the hearing officer, on or before August 31, 1995 and November 30, 1995, was adopted in #93-17, Phibro-Tech, Inc., formerly Southern California Chemical Company, a division of CP Chemicals, Inc., by a vote of 7-0. (RCF)

An Order finding that the complaint is neither frivolous or duplicitous and accepting the matter for hearing, was adopted in #95-144, Oscar M. Cohn v. Wesley United Methodist Church, by a vote of 7-0. (McF)

An Order accepting the matter for hearing, was adopted in #95-150, Marathon Oil Company v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing, was adopted in #95-151, The Kelly-Springfield Tire Company v. IEPA, by a vote of 7-0.

This case will be held for an Agency Recommendation: #95-112, City of Lockport v. IEPA.

An Order extending the 35-day appeal period for petitioning for a hearing, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event the petitioner fails to file an appeal on or before August 28, 1995, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time the petitioner files its petition, was adopted in #95-153, Gwen Fiss v. IEPA, by a vote of 7-0. (CAM)

An Order extending the 35-day appeal period for petitioning for a hearing, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event the petitioner fails to file an appeal on or before August 25, 1995, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time the petitioner files its petition, was adopted in #95-154, Central Illinois Public Service Company v. IEPA, by a vote 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #95-155, General Business Forms, Inc. v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing, was adopted in #95-156, Harris Marcus Group, Inc. v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing, was adopted in #95-157, Riverside Laboratories, Inc. v. IEPA, by a vote of 7-0.

A mandatory hearing will be held in #95-158, People of the State of Illinois v. City of Herrin.

A provisional variance was granted in #95-159, Grace Construction Products v. IEPA, by a vote of 7-0. (CAM)

A provisional variance was granted in #95-160, United States Tobacco Manufacturing company v. IEPA, by a vote of 7-0. (CAM)

ADDENDUM

An Order accepting the matter for hearing, was adopted in #95-161, S & C Electric Company v. IEPA, by a vote of 7-0.


REGULAR AGENDA

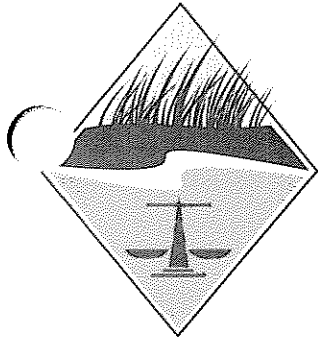
These cases were discussed and held for further discussion or possible decision: ##AS 93-4, Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 811 (Liner); AS 93-5, Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 811 (Monofill); 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; 93-248, People of the State of Illinois v. John Prior and Industrial Salvage, Inc.; 94-256, DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Skokie Valley Asphalt Company, Inc., and Septran, Inc.; 95-51, Don Carson Steinheimer and Ray Darrow Steinheimer as Co-Executors of the Estate of Irene D. Steinheimer, deceased v. GTE North, Inc.; 95-77, Keith Tiberend v. Waste Management of Illinois, Inc. and Village of Marissa; 95-113, White Glove of Morton Grove, Illinois v. Amoco Oil Company; 95-122, Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J. Fetzer, individually, Amoco Oil Company, Mobil Oil Corporation and IEPA.

All other matters not disposed of as listed were held.

There being no further business, the meeting was recessed and will reconvene at 1:30 p.m. in the Chairman's office.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 15th day of June, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601
312-814-3620 ♦ Fax 312-814-3669

AGENDA JUNE 1, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flegal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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217-524-8500
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SATELLITE OFFICES
110 South State
Jerseyville, Illinois 62052
618-498-9802
Fax 618-498-5934

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

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

May 18, 1995

May 25, 1995

REGULATIONS AND ADJUSTED STANDARDS

R95-4) JIC Update, USEPA Regulations (July 1, 1994 through
R95-6) December 31, 1994) and RCRA Subtitle C Update, USEPA
Regulations (July 1, 1994 through December 31, 1994) -
Adopted Rule, Final Order, Opinion and Order (ED)



REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 94-18 Petition of Central Can Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218 - Agency's Motion to Extend Time to File Agency's Recommendation (5/26)(McF)

AS 95-4 Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application) - Agency's Motion for Leave to Respond to the Petitioner's Reply (5/24), Petitioner's Motion to Supplement the Record with Attachment 23 (5/25)(GTG)

AS 95-5 Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 304.124 - Hold for Certificate of Publication - No Order (GTG)

AS 95-6 Petition of National Metalwares, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.204(g) - Hold for Certificate of Publication - No Order

DECISIONS

94-201 People of the State of Illinois v. Becker Brothers, Inc. and G. Raymond Becker, Jr. - Stipulation (McF)

95-139 People of the State of Illinois v. MBL (USA) Corporation - Stipulation

ADMINISTRATIVE CITATIONS

AC 94-37 County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. Interim Opinion and Order (See also April 20, 1995 Interim Opinion and Order)(JY)

ADMINISTRATIVE CITATIONS (Cont'd)

AC 94-76 Sangamon County v. SLC of Springfield, Inc. - Complainant's Motion to Modify April 20, 1995 Opinion and Order (5/3)(JY)

AC 94-94 IEPA v. Wayne D. Alberts and Sharon J. Alberts - Respondents' Withdrawal of Appeal (5/16)(JY)

AC 95-26 IEPA v. Orville Bartels and Frank Blair - Complainant's Motion to Dismiss Respondent's Petition for Review (5/8)(JTM)

AC 95-27 IEPA v. Browning-Ferris Industries, of Illinois Inc. - Default Order

AC 95-30 IEPA v. Knox County Landfill Committee - Default Order

MOTIONS

94-184 R.P. Lumber Company, Inc. v. Office of the State Fire Marshal - Petitioner's Motion for Summary Judgment (5/1)(RCF)

94-243 ESG Watts, Inc. v. IEPA - Petitioner's Motion to Consolidate with PCB 94-306, 94-307, 94-308, 94-309, 95-133, 95-134 (5/30)(JY)

94-312 Spraylat Corporation v. IEPA - Petitioner's Motion to Dismiss with Leave to Refile (5/19)(ED)

95-39 W.R. Grace & Company - Connecticut v. IEPA - Petitioner's Motion to Voluntarily Withdraw Petitioner's Amended Petition for Variance (5/30)(GTG)

MOTIONS (Cont'd)

95-90 Minnesota Mining and Manufacturing Company v. IEPA - Agency's Motion for Extension of Time to File Agency's Recommendation (5/26)(CAM)

95-91 People of the State of Illinois v. Bell Sports, Inc., Waste Hauling Landfill, Inc., and Waste Hauling, Inc. - Unopposed Motion for Extension of Time in Which to Answer filed by Respondents Waste Hauling Landfill, Inc. and Waste Hauling, Inc. (5/22)(CAM)

95-112 John C. Justice, d/b/a Microcosm v. IEPA - Agency Motion to Dismiss (4/20)(CAM)

CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS

91-49 LTV Steel Company v. IEPA - Joint Status Report in Response to January 11, 1995 Board Order (5/25)(RCF)

93-17 Phibro-Tech, Inc. formerly Southern California Chemical Company, a division of CP Chemicals, Inc. v. IEPA-Petitioner's Status Report in Response to March 2, 1995 Board Order(5/30)(RCF)

95-143 Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, and Electronic Interconnect, Inc. - Hold for Duplicitous/Frivolous Determination - No Order (RCF)

95-144 Oscar M. Cohn v. Wesley United Methodist Church - Duplicitous/Frivolous Determination Order (McF)

95-150 Marathon Oil Company v. IEPA - Accept for Hearing Order

**CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING
ORDERS OR MATTERS (Cont'd)**

95-151 The Kelly-Springfield Tire Company v. IEPA - Accept for Hearing
Order

95-152 City of Lockport v. IEPA - Hold for Agency Recommendation - No
Order

95-153 Gwen Fiss v. IEPA - 90-Day Extension Order

95-154 Central Illinois Public Service Company v. IEPA - 90-Day Extension
Order

95-155 General Business Forms, Inc. v. IEPA - Accept for Hearing Order

95-156 Harris Marcus Group, Inc. v. IEPA - Accept for Hearing Order

95-157 Riverside Laboratories, Inc. v. IEPA - Accept for Hearing Order

95-158 People of the State of Illinois v. City of Herrin - Mandatory Hearing -
No Order

95-159 Grace Construction Products v. IEPA - Provisional Variance (CAM)

95-160 United States Tobacco Manufacturing Company v. IEPA - Provisional
Variance (CAM)

CASES PENDING DECISION

AS 93-4 Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 811 (Liner) (CAM)

AS 93-5 Petition of Conversion Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 811 (Monofill) (CAM)

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 - (McF)

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

94-256 DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Skokie Valley Asphalt Company, Inc., and Septran, Inc. - (McF)

95-51 Don Carson Steinheimer and Ray Darrow Steinheimer as Co-Executors of the Estate of Irene D. Steinheimer, deceased v. GTE North, Inc. (RCF)

95-77 Keith Tiberend v. Waste Management of Illinois, Inc. and Village of Marissa (RCF)(due 6/15)

95-113 White Glove of Morton Grove, Illinois v. Amoco Oil Company (CAM)

95-122 Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, And Richard J. Fetzer, individually, Amoco Oil Company, Mobil Oil Corporation and IEPA (CAM)

ADJOURNMENT

LIST OF NEW CASES FILED SINCE MAY 25, 1995 BOARD MEETING

- 95-150 Marathon Oil Company v. IEPA
- 95-151 The Kelly-Springfield Tire Company v. IEPA
- 95-152 City of Lockport v. IEPA
- 95-153 Gwen Fiss v. IEPA
- 95-154 Central Illinois Public Service Company v. IEPA
- 95-155 General Business Forms, Inc. v. IEPA
- 95-156 Harris Marcus Group v. IEPA
- 95-157 Riverside Laboratories, Inc. v. IEPA
- 95-158 People of the State of Illinois v. City of Herrin
- 95-159 Grace Construction Products v. IEPA
- 95-160 United States Tobacco Manufacturing Company v. IEPA

REGULAR BOARD MEETING SCHEDULE

- | | |
|------------------|---------------------|
| June 8* | September 7 |
| June 15 | September 21 |
| June 22 * | October 5 |
| June 29 * | October 19 |
| July 6 | November 2 |
| July 20 | November 16 |
| August 3 | December 7 |
| August 17 | December 21 |

*** Denotes newly scheduled Process Meetings**