

**MINUTES OF REGULAR BOARD MEETING
JANUARY 23, 1992 CHICAGO, ILLINOIS**

All Board Members were present save J. Theodore Meyer who was on vacation.

An Opinion and Order was adopted in #AC 89-215 (Dockets A & B), Omer Thomas, by a vote of 5-0. (BF)

An Opinion and Order was adopted in #91-120, Beer Motors, by a vote of 5-0. (MN)

An Opinion and Order was adopted in #91-121, Village of Channahon, by a vote of 4-1. B. Forcade dissented. (JA)

An Opinion and Order was adopted in #91-126, City of Knoxville, by a vote of 4-1. B. Forcade dissented. (JCM)

In R91-5, Pretreatment Update, USEPA Regulations (June 29, 1990 through December 31, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (JA)

In R91-14, UST Update, USEPA Regulations (January 1, 1991 through June 30, 1991), a Proposal for Public Comment, Opinion and Order was adopted by a vote of 5-0. (JA)

In R91-19, Potentially Infectious Medical Waste, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##91-50, Lincoln/Logan Landfill; 91-51, Ronald Lane; 91-52, Robert Cradock; 91-53, Clara L. Franklin; 91-54, Lincoln/Logan Landfill.

Respondent's motion for reconsideration was denied in #AC 90-56, Steve Gilbert, by a vote of 5-0. (JCM)

Agency motion to withdraw and dismiss was granted in #AC 91-49, Walter Klockenga, by a vote of 5-0. (JCM)

By a vote of 5-0, the Board, on its own motion, accepted the matter for hearing, deferred assigning a hearing officer until it receives notice from the parties that its FIP has been revised, and directed the parties to file status reports every 90 days, the first being due in the Board's office by March 2, 1992, in #AS 91-8; Reynolds Metals Company. (JCM)

Petitioner's motion to extend the Agency response date was granted until January 30, 1992 in #AS 91-11, Illinois-American Water Company, by a vote of 5-0. (RCF)

Petitioner's motion to modify a May 9, 1986 Board Order was

granted in #85-212, Village of Morton, by a vote of 5-0. (RCF)

Petitioner's motion to modify an April 7, 1988 Board Order was granted in #86-4, The City of Morris, by a vote of 5-0. (RCF)

Complainant's motion for additional time to answer Respondent's request for stay of the Board's October 10, 1991 and December 6, 1991 Board Orders was granted until January 28, 1992 in #90-112, Chicago Heights Refuse Depot, by a vote of 5-0. (RCF)

Agency motion for reconsideration of a December 6, 1991 Board Order was granted, and upon reconsideration, the Board affirmed its prior decision in #90-136, Walter and Marlene Maquet, by a vote of 5-0. (BF)

An Order advising Petitioner to file a new petition for review with the Board to preserve its rights, waiving the filing fee for Petitioner's new petition because the remand of its previous petition to Respondent was not the fault of Petitioner, requesting Petitioner to specify which portions of the record should be incorporated into any new docket, and waiving the requirement of 35 Ill. Adm. Code 101.106(a) that four copies of the required material be filed with the Board, was adopted in #91-7, Land and Lakes Company, by a vote of 5-0. (JCM)

An Order advising Petitioners that if a status report has not been received by the Board on or before February 14, 1992, the petition will be subject to dismissal, was adopted in #91-166, Cook County Highway Department, by a vote of 5-0. (JCM)

Respondent's motion for extension of time in which to answer Complainant's motion for summary judgment as well as leave to file a reply to Complainant's response to its own motion for summary judgment was granted until February 17, 1992 in #91-192, Prairie Material Sales, by a vote of 5-0. (JCM)

Agency motion to supplement the Agency record was granted in #91-203, Export Packaging, by a vote of 5-0. (JCM)

Complainant's motion for leave to file its reply to Respondent's response to Complainant's motion for summary judgment was granted until January 24, 1992 in #91-214, North Oak Chrysler Plymouth, by a vote of 5-0. (JA)

Agency motion to dismiss was granted in #91-215, Land and Lakes Company, by a vote of 5-0. (MN)

Agency motion to dismiss was granted in #91-216, Land and Lakes Company, by a vote of 5-0. (MN)

Agency motion to dismiss was granted in #91-217, Land and Lakes Company, by a vote of 5-0. (MN)

Agency motion to dismiss was granted in #91-218, Land and Lakes Company, by a vote of 5-0. (MN)

Petitioner's appeal of a hearing officer order was denied in #91-223, Waste Hauling, by a vote 5-0. (MN)

Agency motion to dismiss was granted in #91-242, Arthur J. Ferrai, by a vote of 5-0. (BF)

Agency motion to file record instanter was granted in #91-243, Smith Oil Company, by a vote of 5-0. (JCM)

Agency motion for extension of time to file record was granted until March 3, 1992 in #91-250, Pekin Energy Company, by a vote of 5-0. (JCM)

An Order remanding the matter to the Agency for a final determination on the reasonableness of costs pursuant to Section 22.18b(d)(4), and to avoid unfair prejudice, waiving the \$75.00 filing fee when Petitioner files its new petition for review, was adopted in #91-253, Ideal Heating Company, by a vote of 5-0. (MN)

Petitioner's voluntary motion to withdraw petition was granted in #91-261, Legg and Sons Oil, by a vote of 5-0. (BF)

An Order advising the Halogenated Solvent Industry Alliance that the Board will consider its motion to reconsider the classification of tetrachloroethylene and trichlorethylene as toxic air contaminants when it prepares its second notice opinion and order, was adopted in R90-1(A), Toxic Air Contaminants List, by a vote of 5-0. (JCM)

An Order denying the Illinois Environmental Regulatory Group and the Illinois Steel Group's motions for an Economic Impact Study but directing the hearing officer to schedule at least one hearing regarding the economics of the proposed reporting requirement, was adopted in R90-1(C), Toxic Air Contaminants List, by a vote of 5-0. (JCM)

These cases were discussed and held to February 6, 1992 for further discussion or possible decision: ##86-3, City of Oglesby CSO; AS 90-8, Olin Corporation; AS 91-4, Amoco Oil Company; 91-48, Wonder View Improvement Association; 91-133, Lawrence Cadillac.

This regulatory matter was discussed and held to February 6, 1992 for further discussion or possible decision: R91-9, DMI Site-Specific, Adopted Rule, Final Order, Opinion and Order.

In new cases these actions were taken by a vote of 5-0: ##92-2,

Acme Steel Company v. EPA, accepted for hearing and the Board noted Petitioner's request to consolidate this matter with PCB 91-28 and requested an Agency response within 14 days, **Order of the Board by B. Forcade**; 92-11, Mac Lean-Fogg Company v. EPA, accepted for hearing, **Order by B. Forcade**; 92-12, D & B Refuse Service, Inc. v. EPA, additional information requested, **Order by J. Anderson**; 92-13, Natural Gas Pipeline Company of America v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-14, Natural Pipeline Company of America v. EPA, provisional variance granted, **Order by J.C. Marlin**.

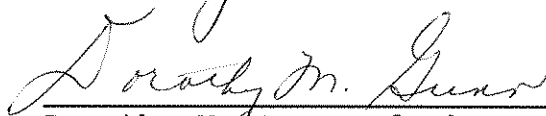
Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #91-56, Carbondale/R & R Janitorial.

Minutes of the January 9, 1992 Board Meeting were approved by a vote of 5-0.

By a vote of 5-0 the Board approved a meeting schedule for Fiscal Year 92/93 which will be announced in the Board's Environmental Register.

All other matters not disposed of as listed were ordered held to February 6, 1992 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 February, 1992, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 23, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 89-215 Omer Thomas (BF) _____
(A & B)
- AS 91-1 Keystone Steel & Wire (JA) _____
- * 91-120 Beer Motors (MN)(due) _____
- * 91-121 Village of Channahon (JA)(due) _____
- * 91-126 City of Knoxville (See also Agency motion to file
amended variance recommendation instanter filed 1/13)
(JCM)(due) _____
- R89-14 Groundwater Quality Standards (RCF)
(C) _____
- R90-8 Amendments to Permit Appeal Procedural Rules, Proposed
Rule, Second First Notice, Opinion and Order (BF)

- R91-5 Pretreatment Update, USEPA Regulations (June 29, 1990
through December 31, 1990), Adopted Rule, Final Order,
Opinion and Order (JA)

- R91-14 UST Update, USEPA Regulations (January 1, 1991 through
June 30, 1991), Proposal for Public Comment, Opinion and
Order (JA) _____
- R91-19 Potentially Infectious Medical Waste, Adopted Rule,
Final Order, Opinion and Order (RCF)

AC DECISIONS:

- 91-50 Lincoln/Logan Landfill, Inc. _____
- 91-51 Ronald Land _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

91-52 Robert Cradock _____
91-53 Clara L. Franklin _____
91-54 Lincoln/Logan Landfill, Inc. _____

MOTIONS:

AC 90-56 Steve Gilbert - Respondent's motion for reconsideration
(See page 2 of Respondent's filing dated 12/30)(JCM)

AC 91-49 Walter Klockenga - Agency motion to withdraw and dismiss
(1/22) _____
AS 91-5 Elizabeth Street Foundry - Agency motion to file motion
to dismiss instanter (1/21)

AS 91-8 Reynolds Metals Company - Board Order

AS 91-11 Illinois-American Water Company - Petitioner's motion to
extend the Agency's response date (12/31)(RCF)

85-212 Village of Morton - Petitioner's motion to modify May 9,
1986 Board Order (11/27), Agency response to
Petitioner's motion to modify May 9, 1986 Board Order
(1/8), Petitioner's response to January 9, 1992 Board
Order (1/21), Agency response to January 9, 1992 Board
Order (1/22)(RCF) _____
86-4 The City of Morris - Petitioner's motion to modify
condition #4 of the Board's April 7, 1988 Order (12/2),
Agency response to Petitioner's motion to modify
condition #4 of the Board's April 7, 1988 Order (1/8),
Petitioner's response to January 9, 1992 Board Order
(1/17), Agency response to January 9, 1992 Board Order
(1/22)(RCF) _____

MOTIONS: (Cont'd)

- 89-177 CWM Chemical Services - Petitioner's motion to remand or, in the alternative, to stay (1/10), Petitioner's corrected motion to remand, or in the alternative, to stay (1/13), Amicus Curiae the 35th District Environmental Task Force's motion for leave to file its response in opposition to Petitioner's motion to remand or stay (1/21), Respondents' motion for leave to file its opposition to Petitioner's motion to remand or, in the alternative to stay, instanter (1/21)(JTM)
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- 90-112 Chicago Heights Refuse Depot - Respondent's request for stay of October 10, 1991 and December 6, 1991 Board Orders (1/3), Complainant's request for continuance to answer Respondent's request for stay of Board Order (1/13)(RCF)
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- 90-135 The Grigoleit Company - Board Order (BF)
-
- 90-136 Walter & Marlene Maquet - Agency motion for reconsideration and memorandum in support of motion for reconsideration (1/9), Petitioner's response to Agency motion for reconsideration (1/17)(BF)
-
- 91-7 Land and Lakes Company - Board Order
-
- 91-89) Citizens for Controlled Landfills - Respondent Laidlaw
91-90) Waste Systems' motion to release exhibits contained in record prepared by St. Clair County (1/21)
-
- 91-152 Envirite Corporation - Complainant's motion for reconsideration of December 19, 1991 Board Order (1/22) (MN)
-
- 91-166 Cook County Highway Department - Board Order (JCM)
-
- 91-192 Prairie Material Sales - Respondent's answer to complaint and motion for summary judgment (12/9), Complainant's motion for summary judgment and response to Respondent's motion for summary judgment (1/8), Respondent's motion for extension of time in which to answer Complainant's motion for summary judgment (1/17)(JCM)
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MOTIONS: (Cont'd)

- 91-203 Export Packaging Company - Agency motion to supplement the Agency record (1/14), Agency corrected motion to supplement the Agency record (1/16)
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- 91-214 North Oak Chrysler Plymouth - Complainant's motion for summary judgment (1/10), Respondent's response to Complainant's motion for summary judgment and cross motion for summary judgment and supporting Memorandum of Law (1/17), Complainant's motion for leave to file reply to Respondent's response to Complainant's motion for summary judgment (1/21), Respondent's motion to strike (1/21)(JA)
-
- 91-215 Land and Lakes Company - Agency motion to dismiss (1/6), Petitioner's response to Agency motion to dismiss (1/13)(MN)
-
- 91-216 Land and Lakes Company - Agency motion to dismiss (1/6), Petitioner's response to Agency motion to dismiss (1/13)(MN)
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- 91-217 Land and Lakes Company - Agency motion to dismiss (1/6), Petitioner's response to Agency motion to dismiss (1/13)(MN)
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- 91-218 Land and Lakes Company - Agency motion to dismiss (1/6), Petitioner's response to Agency motion to dismiss (1/13)(MN)
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- 91-223 Waste Hauling - Petitioner's appeal from Hearing Officer Order (1/9), Organization For Environments And Residents' Safety's response to appeal from Hearing Officer Order (1/17), Respondent's response to Petitioner's appeal from Hearing Officer Order (1/21)(MN)
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- 91-242 Arthur J. Ferrai - Agency motion to dismiss (12/24)(BF)
-
- 91-243 Smith Oil Company - Agency motion to file record instanter (1/16)(JCM)
-
- 91-250 Pekin Energy Company - Agency motion for extension of time to file record (1/3)(JCM)
-
- 91-253 Ideal Heating Company - Board Order (MN)
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MOTIONS: (Cont'd)

- 91-258 Ball Corporation - Petitioner's motion to consolidate with PCB 91-175 (12/23) _____
- 91-261 Legg and Sons Oil - Petitioner's voluntary motion to withdraw petition (1/15)(BF) _____
- 92-8 City of Jacksonville - Agency motion to dismiss (1/16) _____
- R90-1 Toxic Air Contaminants List - Halogenated Solvent Industry Alliance's motion to reconsider the classification of tetrachloroethylene and trichlorethylene as toxic air contaminants (12/2), Illinois Chapter of the Sierra Club's response to HSIA's motion to reconsider the listing of tetrachloroethylene and trichlorethylene as toxic air contaminants (12/5), Agency response to HSIA's motion to reconsider listing of tetrachloroethylene and trichlorethylene as toxic air contaminants (12/20)(JCM) _____
- R90-1 Toxic Air Contaminants List - Illinois Environmental Regulatory Group's motion for an Economic Impact Study (12/12), Illinois Steel Group's motion for an Economic Impact Statement (12/12)(JCM) _____

DISCUSSIONS:

- 86-3 City of Oglesby CSO (JA) _____
- AS 90-8 Olin Corporation (JA) _____
- AS 91-4 Amoco Oil Company (JA) _____
- 91-48 Wonder View Improvement Assn. (RCF) _____
- * 91-133 Lawrence Cadillac (JCM)(due 2/6) _____

REGULATORY DISCUSSIONS:

- R91-9 DMI Site-Specific, Adopted Rule, Final Order, Opinion and Order (MN) _____

NEW CASES:

- 92-2 Acme Steel Company v. EPA _____
- 92-11 Mac Lean-Fogg Company v. EPA (BF)

- 92-12 D & B Refuse Service, Inc. v. EPA

- 92-13 Natural Gas Pipeline Company of America v. EPA
(Provisional Variance)(JCM)

- 92-14 Natural Gas Pipeline Company of America v. EPA
(Provisional Variance)(JCM)

AC APPEALS:

- 91-56 R & R Janitorial _____

MINUTES:

January 9, 1992 _____

ADOPTION OF FY 92/93 BOARD MEETING SCHEDULE:1992

July 9, 1992
 July 30, 1992
 August 13, 1992
 September 3, 1992
 September 17, 1992
 October 1, 1992
 October 15, 1992
 October 29, 1992
 November 19, 1992
 December 3, 1992
 December 17, 1992

1993

January 7, 1993
 January 21, 1993
 February 4, 1993
 February 25, 1993
 March 11, 1993
 March 25, 1993
 April 8, 1993
 April 22, 1993
 May 6, 1993
 May 20, 1993
 June 3, 1993
 June 17, 1993

PENDING CASES ASSIGNED:

85-140 Citizens Utilities Company (MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-1 City of Peru CSO (JTM)
 86-2 City of LaSalle CSO (JTM)
 86-4 City of Morris CSO (RCF)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (RCF)
 88-98 IBP, Inc. (Appellate Court Remand)(BF)
 * 88-193 General Motors (BF)(open waiver)
 89-44) Moline Corporation (BF)
 89-87)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 * 89-171 Pekin Energy Company (MN)(open waiver)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AC 89-224(B) John Vander (MN)(Appellate Court Remand)
 * 90-31 R. Lavin & Sons, Inc. (RCF)(due 12/31/92)
 90-108 Joseph B. & Pamela J. Stratton (JTM)
 90-135 The Grigoleit Company (BF)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (MN)
 90-149 Straders Logging and Lumber Mill (MN)
 90-200 Vito Zivoli (JCM)
 AS 91-3 Peoria Disposal (MN)
 AS 91-4 Amoco Oil (JA)
 AS 91-9 City of East Moline (RCF)(due 4/23)
 AS 91-11 Illinois-American Water Company (RCF)(open waiver)
 AS 91-12 Illinois-American Water Company (RCF)(open waiver)
 AS 91-13 City of Rock Island (RCF)(due 4/23)
 * 91-17 B.F. Goodrich Corporation (RCF)(due 3/12)
 91-30 Susan Curtis & Marcy Diesing (JCM)
 AC 91-31 Randall Loveless (JCM)
 AC 91-34 William S. Popejoy (JTM)
 * 91-75 Community Consol. School Dist. No. 15 (BF)(open waiver)
 * 91-83 Village of Lincolnwood (MN)(open waiver)
 * 91-86 Raymond D. and Mary Moore (JA)(due 5/7)
 * 91-95 Staunton Landfill (RCF)(due 3/26)
 * 91-108 Israel-Gerold's (JTM)(due 6/8)
 * 91-113 Dept. of the Army (BF)(open waiver)
 * 91-118 City of Braidwood (MN)(due 3/12)
 91-129 City of Bloomington (JCM)
 91-146 James W. Turner, Sr. (RCF)
 91-147 James W. Turner, Sr. (RCF)
 91-148 James W. Turner, Sr. (RCF)
 91-153 Clyde R. Dace (JA)
 91-157 The Grigoleit Company (JA)
 * 91-163 Clinton County Oil (MN)(due 3/26)
 * 91-166 Cook County Highway Department (JCM)(due 7/13)
 * 91-215 Land and Lakes Company (MN)(due 4/9)
 * 91-216 Land and Lakes Company (MN)(due 4/9)
 * 91-217 Land and Lakes Company (MN)(due 4/9)

PENDING CASES ASSIGNED (Cont'd)

- * 91-218 Land and Lakes Company (MN)(due 4/9)
- * 91-223 Waste Hauling, Inc. (JTM)(due 3/12)
- * 91-224 5027 Corporation (BF)(due 3/12)
- * 91-236 City of Kewanee (JTM)(due 3/26)
- * 91-246 City of Joliet (JCM)(due 4/9)
- * 91-251 Monterey Coal Company (BF)(due 4/9)
- * 91-252 Village of Sauget (JCM)(due 4/9)
- * 91-256 Gallatin National Company (JA)(due 4/9)