

**MINUTES OF REGULAR BOARD MEETING
FEBRUARY 6, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #86-3, City of Oglesby CSO, by a vote of 5-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #86-160, EPA and People of the State of Illinois v. Fitz-Mar, Inc., by a vote of 5-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #AS 91-1, Keystone Steel and Wire, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #91-48, Wonder View Improvement Association, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #91-133, Lawrence Cadillac, by a vote of 6-0. (JCM)

An Opinion and Order was adopted in #91-252, The Village of Sauget, by a vote of 6-0. (JCM)

B. Forcade presented a draft Proposed Rule, Second Notice, Opinion and Order in R90-8, Amendments to Permit Appeal Procedural Rules. The draft failed to carry by a 3-3 vote with B. Forcade, R.C. Flemal and J. Theodore Meyer for it and J. Anderson, J.C. Marlin and M. Nardulli against it. The matter was then tabled pending the appointment of a new Board Member.

In R90-9(B), Used and Waste Tire Regulations, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JCM)

In R91-9, DMI Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (MN)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##91-57, Al Springman; 91-58, Anna Mae Stevens; 91-59, Donald Sickles.

By a vote of 6-0, Agency motion to file status report instanter was granted and the parties were directed to file an additional status report with the Board to be received by the Board no later than May 4, 1992, in #AS 90-5, R. Lavin & Sons. (MN)

An Order directing the petitioner to file an additional status report with the Board to be received by the Board no later than May 4, 1992, was adopted in #AS 90-6, Marathon Petroleum Company, by a vote of 6-0. (JTM)

Petitioner's motion to reschedule hearing and an Agency motion for an extension of time to file its reponse to petitioner's petition was granted in #AS 91-1, City of Rock Island, by a vote of 6-0. (RCF)

Petitioner's request for clarification of a January 9, 1992 Board Order was granted in #87-131, Amerock Corporation, by a vote of 6-0. (JTM)

An Order advising the petitioner that no Board action was needed on its motion to withdraw its motion to remand or, in the alternative, to stay, was adopted in #89-177, CWM Chemical Services, by a vote of 6-0. (JTM)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #89-178, Olin Corporation, by a vote of 6-0. (JA)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #90-24, Rock-Ola Manufacturing, by a vote of 6-0. (JA)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #90-27, Shell Oil Company, by a vote of 6-0. (JA)

Respondent's request for stay of an October 10, 1991 and December 6, 1991 Board Order was denied and Respondent's motion for leave to file its reply to Complainant's response was granted in #90-112, Chicago Heights Refuse Depot, by a vote of 6-0. (RCF)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #90-161, Columbia Quarry Company, by a vote of 6-0. (JA)

Joint and separate motions of respondents Chester Bross, Mike Bross, Jeff Bross and Chester Bross Construction Company to dismiss was denied in #90-182, S. Scott Coggeshall Construction Company, by a vote of 6-0. (MN)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #90-189, Modine Manufacturing Company, by a vote of 6-0. (RCF)

An Order dismissing the matter and closing the docket was adopted in #90-190, City of Charleston, by a vote of 6-0. (JA)

An Order directing the parties to file an additional status report with the Board to be received by the Board no later than April 6, 1992, was adopted in #90-198, Commonwealth Edison Company, by a vote of 6-0. (JA)

Respondent's Laidlaw Waste Systems' motion to release exhibits contained in the record prepared by St. Clair County was granted in ##91-89, -90, Citizens for Controlled Landfills and YMCA of South West Illinois, by a vote of 6-0. (JA)

Complainant's motion for reconsideration of a December 19, 1991 Board Order was denied in #91-152, Envirite Corporation, by a vote of 6-0. (MN)

By a vote of 6-0, petitioner's motion to renew its request to extend the time to file the Agency's recommendation was granted until May 15, 1992, and the parties were directed to file a status report with the Board to be received by the Board on or before April 15, 1992, in #91-176, M & D Flexographic Printers. (JCM)

Agency motion to file its record instanter was granted in #91-201, RKF Enterprises, by a vote of 6-0. (JCM)

Petitioners' motion to amend the Agency record was granted in #91-205, Fred & Cynthia Strube, by a vote of 6-0. (RCF)

An Order advising the parties that the Board accepts its joint stipulated motion to dismiss, reverse, and remand insofar as it requests the Board to reverse and remand to the respondent, the City of Moline, but declining to accept the obligations stated in the motion and further advising the parties that if it finds the Board's action an unacceptable resolution, they can file a motion to vacate within 14 days of the date of the entry of the Order, was adopted in #91-224, 5027 Corporation, by a vote of 6-0. (BF)

Agency motion to file record instanter was granted in #91-233, L.D. Redmer Screw Products, by a vote of 6-0. (JCM)

Petitioner's motion for voluntary withdrawal of petition was granted in #91-244, Dakota K Enterprises, by a vote of 6-0. (BF)

By a vote of 6-0, Agency motion to file its recommendation instanter was granted and Petitioner's request for expedited review was granted consistent with the Board's resources and time constraints in #91-246, City of Joliet. (JCM)

Petitioner's motion to consolidate with PCB 91-175, was granted in #91-258, Ball Corporation, by a vote of 6-0. (JCM)

Agency motion to dismiss was granted in #92-12, D & B Refuse Service, by a vote of 6-0. (MN)

Metropolitan Water Reclamation District of Greater Chicago's motion to file less than ten copies of a report was granted in R87-37, Amendments to Water Quality and Effluent Standards, by a vote of 6-0. (RCF)

Due to a lack of funding, the Board, on its own motion, delayed further hearings in R89-17(C), Application of California Motor Vehicle Standards in Illinois. However, participants were urged to continue work on their contributions to this proceeding. The vote was 6-0. (JTM)

Petitioner's motion for leave to file its response to the Agency's motion to dismiss instanter was granted and Petitioner's motion for instructions was denied in #92-8, City of Jacksonville, by a vote of 6-0. (JA)

These cases were discussed and held to February 27, 1992 for further discussion or possible decision: ##89-158, Gilbertson Clybourn; 89-169, John and Jean Zarlenga; AS 90-8, Olin Corporation; AS 91-4, Amoco Oil Company; AC 91-31 (Dockets A & B), Randall Loveless; 91-146, James W. Turner, Sr. (Richard Toft); 91-147, James W. Turner, Sr. (Mark Edmiston); 91-148, James W. Turner, Sr. (Don Franke); 91-213, First Busey Trust.

These regulatory matters were discussed and held to February 27, 1992 for further discussion or possible decision: R87-33, Amerock Corporation; R89-14(C), Groundwater Quality Standards; R90-20, Diesel Opacity, Adopted Rule, Final Order, Opinion and Order; R91-22, PM-10 Emission Limitations, Proposed Rule, Second Notice, Opinion and Order.

In amended petitions these actions were taken by a vote of 6-0: ##91-118, Petitioner's motion for leave to file amended petition instanter granted and 120-day decision time clock restarted with its filing, **Order by M. Nardulli**; 91-262, The Pumper, Inc., Petitioner advised that 120-day Board decision time clock restarted January 27, 1992, the date on which all materials were received from Petitioner and Petitioner advised that he should be prepared to explain at hearing which Agency determinations he is challenging and why he is challenging them, and to provide any documents which he had given to the Agency, **Order by J. Anderson**.

In new cases these actions were taken by a vote of 6-0: ##92-15, Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA, accepted for hearing, **Order by B. Forcade**; 92-16, Kathleen Wamback v. EPA, the Board on its own motion dismissed the petition and remanded the matter to the Agency for a final determination on the reasonableness of costs pursuant to Section 22.1(d)(4) and to avoid prejudice, the Board waived the \$75.00 filing fee should Petitioner file a new petition for review, **Order by M. Nardulli**; 92-17, Tim's Standard/Freeport v. EPA, additional information requested, **Order by J. Anderson**; 92-18, Village of Glasford v. EPA, held for Agency Recommendation; 92-19, Illinois Power Company (Clinton) v.

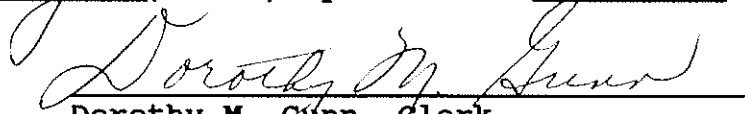
EPA, provisional variance granted, **Order by J.C. Marlin**; 92-20, Olin Corporation (East Alton Facility) v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-21, General Tire (Mt. Vernon Plant) v. EPA, provisional variance granted, **Order by J.C. Marlin**; R91-30, Stage II Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 215, 218 and 219, accepted for hearing, various Agency motions granted, and the Board noted and accepted the Agency's certification that the rule is federally required and the Board will reference the certification in its first notice publication, **Order by R.C. Flemal**.

These new Administrative Citations were accepted by the Board: ##92-1, Beulah Henry; 92-2, Glenn Schriver; 92-3, Dennis Grubaugh; 92-4, Litchfield-Hillsboro Sanitary Landfill; 92-5, Ronald & Retha Rawe; 92-6, James Qualls.

Minutes of the January 23, 1992 Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to February 27, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 27th day of February, 1992, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 6, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 86-3 City of Oglesby CSO (JA) _____
- 86-160 EPA and People of the State of Illinois v. Fitz-Mar,
Inc. (JA) (Stip) _____
- AS 91-1 Keystone Steel & Wire (JA) _____
- 91-48 Wonder View Improvement Association (RCF)

- * 91-133 Lawrence Cadillac (JCM)(due)

- * 91-252 The Village of Sauget (See also Petitioner's request for
expedited decision on page 12 of petition filed 12/20)
(JCM)(due 4/9) _____
- R89-14 Groundwater Quality Standards (RCF)
(C) _____
- R90-8 Amendments to Permit Appeal Procedural Rules, Proposed
Rule, Second First Notice, Opinion and Order (BF)

- R90-9 Used and Waste Tire Regulations, Adopted Rule, Final
(B) Ordeer, Opinion and Order (JCM)

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

AC DECISIONS:

- 91-57 Al Springman _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

91-58 Anna Mae Stevens _____

91-59 Donald Sickles _____

MOTIONS:

- AS 90-4 Granite City - Agency motion to file response instanter (2/4) _____
- AS 90-5 R. Lavin & Sons - Agency status report in response to January 9, 1992 Board Order, response to petition for adjusted standard and motion for leave to file response to petition instanter (1/31), Petitioner's motion for leave to file instanter its status report in response to January 9, 1992 Board Order (2/3) _____
- AS 90-6 Marathon Petroleum Company - Petitioner's status report in response to January 9, 1992 Board Order (1/23) _____
- AS 91-5 Elizabeth Street Foundry - Agency motion to file motion to dismiss instanter (1/21), Petitioner's motion to strike Agency's motion to dismiss (2/3) _____
- AS 91-13 City of Rock Island - Petitioner's motion to reschedule hearing (1/31), Agency motion for extension of time to file response to petition (2/5)(RCF) _____
- 87-131 Amerock Corporation - Petitioner's request for clarification of January 9, 1992 Board Order (1/28) (JTM) _____
- 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), Petitioner's notice of withdrawal of motion to remand or, in the alternative, to stay (2/5)(JTM) _____

MOTIONS: (Cont'd)

- 89-178 Olin Corporation - parties joint status report in response to January 9, 1992 Board Order (1/31)(JA)
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- 90-24 Rock-Ola Manufacturing - Petitioner's status report in response to January 9, 1992 Board Order (1/30)(JA)
-
- 90-27 Shell Oil Company - joint status report in response to January 9, 1992 Board Order (1/29), Agency joint status report in response to January 9, 1992 Board Order (2/3)(JA)
-
- 90-59 Michael Christianson - complainant's motion to supplement the record (1/31), Respondent's response to Complainant's proposed remedy pursuant to the Board's November 21, 1991 Interim Opinion and Order (2/3)(MN)
-
- 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 Memorandum in support of its objection to Respondent's request for stay of Board Orders (1/23), Respondent's motion for leave to file reply to Complainant's response (1/31)(RCF)
-
- 90-135 The Grigoleit Company - Interim Order (BF)
-
- 90-161 Columbia Quarry - Complainant's status report in response to January 9, 1992 Board Order (1/30), Respondent's status report in response to January 9, 1992 Board Order (1/31)(JA)
-
- 90-182 S. Scott Coggeshall - joint and separate motions to dismiss (1/27), Respondents' response to joint and separate motions to dismiss (2/3)(MN)
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- 90-189 Modine Manufacturing - Petitioner's status report in response to January 9, 1992 Board Order (1/27)(RCF)
-
- 90-190 City of Charleston - Agency status report in response to January 9, 1992 Board Order (**See also Agency request that appeal be dismissed**)(2/3), Petitioner's status report in response to January 9, 1992 Board Order (**See also Petitioner's request that the appeal be dismissed**)(2/3)(JA)
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MOTIONS: (Cont'd)

- 90-198 Commonwealth Edison Company - Agency status report in response to January 9, 1992 Board Order (2/3)(JA)
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- 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)(JA)
-
- 91-121 Village of Channahon - Petitioner's motion to modify January 23, 1992 Board Order (2/5)(JA)
-
- 91-152 Envirite Corporation - Complainant's motion for reconsideration of December 19, 1991 Board Order (1/22), Respondents' joint memorandum in opposition to motion for reconsideration (2/5)(MN)
-
- 91-157 The Grigoleit Company - Respondent's motion for leave to file an interlocutory appeal (2/5)(JA)
-
- 91-176 M & D Flexographic Printers - Petitioner's joint status report and motion to renew request to extend time to file the Agency recommendation (1/23), Agency affidavits and status report and motion to renew request to extend time to file Agency recommendation (1/27)(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)(JCM)
-
- 91-201 RKF Enterprises - Agency motion to file record instanter (1/23)(JCM)
-
- 91-205 Fred & Cynthia Strube - Petitioners' motion to amend Agency record (1/23)
-

MOTIONS: (Cont'd)

- 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), Respondent's motion to strike (1/21), Complainant's reply to Respondent's response to Complainant's motion for summary judgment (1/24), Respondent's motion for leave to file a reply to Complainant's response to Petitioner's cross-motion for summary judgment (1/29), Respondent's motion to strike affidavit of Michael G. Roche (1/29), Complainant's response to Respondent's motion to strike affidavit of Michael G. Roche (1/31), Complainant's response to Respondent's motion for leave to file (2/4)(JA)
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- 91-224 5027 Corporation - stipulated motion to dismiss, reverse, and remand cause (1/23)(BF)
-
- 91-233 L.D. Redmer Screw Products - Agency motion to file record instanter (1/28)(JCM)
-
- 91-244 Dakota K Enterprises - Petitioner's voluntary withdrawal of petition (1/24)
-
- 91-246 City of Joliet - Agency motion to file recommendation instanter (1/29), Petitioner's response to Agency recommendation and request for expedited review (2/3)(JCM)
-
- 91-258 Ball Corporation - Petitioner's motion to consolidate with PCB 91-175 (12/23)(JCM)
-
- 92-2 Acme Steel Company - Petitioner's request to consolidate with PCB 91-28 (See page 3 of Petition)
-
- 92-8 City of Jacksonville - Agency motion to dismiss (1/16), Petitioner's motion for leave to file response to Agency motion to dismiss instanter (1/29)
-
- 92-12 D & B Refuse Service - Agency motion to dismiss (1/27), Petitioner's response to Agency motion to dismiss (1/30)(MN)
-
- R87-27 Water Quality and Effluent Standards - Metropolitan Water Reclamation District of Greater Chicago's motion to file less than ten copies of report (1/29)(RCF)
-

MOTIONS: (Cont'd)

R89-17 California Motor Vehicle Standards - Board Order (JTM)
(C)

DISCUSSIONS:

89-158 Gilbertson Clybourn (BF) _____
89-169 John & Jean Zarlenga (JA) _____
AS 90-8 Olin Corporation (JA) _____
AS 91-4 Amoco Oil Company (JA) _____
AC 91-31 Randall Loveless (JCM) _____
(A & B)
91-146 James W. Turner Sr. (Richard Toft)(RCF) _____
91-147 James W. Turner Sr. (Mark Edmiston)(RCF) _____
91-148 James W. Turner Sr. (Don Franke)(RCF) _____
* 91-213 First Busey Trust (BF)(due 2/27) _____

REGULATORY DISCUSSIONS:

R87-33 Amerock Corporation (JTM) _____
R89-14 Groundwater Quality Standards (RCF) _____
(C)
R90-20 Diesel Opacity, Adopted Rule, Final Order, Opinion and
Order (JA) _____
R91-22 PM-10 Emission Limitations, Proposed Rule, Second
Notice, Opinion and Order (JTM) _____

AMENDED PETITIONS:

91-118 City of Braidwood (filed 1/29)(See also Petitioner's
motion for leave to file amended petition instanter)
(MN) _____
91-262 The Pumper, Inc. (filed 1/23) _____

NEW CASES:

- 92-15 Mercantile Bank of St. Louis, N.A., Personal
Representative of the Estate of Ann Gudder v. EPA (BF)
-
- 92-16 Kathleen Wamback v. EPA
-
- 92-17 Tim's Standard/Freeport v. EPA
-
- 92-18 Village of Glasford v. EPA
-
- 92-19 Illinois Power Company (Clinton) v. EPA (Provisonal
Variance)(JCM)
-
- 92-20 Olin Corporation (East Alton Facility) v. EPA
(Provisional Variance)(JCM)
-
- 92-21 General Tire (Mt. Vernon Plant) v. EPA (Provisional
Variance)(JCM)
-
- R91-30 Stage II Gasoline Vapor Recovery Rules: Amendments to
35 Ill. Adm. Code Parts 215, 218, and 219 (RCF)
-

NEW AC CASES:

- 92-1 Beulah Henry
-
- 92-2 Glenn Schriver
-
- 92-3 Dennis Grubaugh
-
- 92-4 Litchfield-Hillsboro Sanitary Landfill
-
- 92-5 Ronald & Retha Rawe
-
- 92-6 James Qualls
-

MINUTES:

January 23, 1992

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)
 86-3 City of Oglesby CSO (JA)
 86-4 City of Morris CSO (RCF)
 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)
 * 89-171 Pekin Energy Company (MN)(open waiver)
 89-177 CWM Chemical Services (JTM)(open waiver)
 89-180 Colwell/General (JCM)
 AC 89-215(B) Omer Thomas (BF)
 AC 89-224(B) John Vander (MN)(Appellate Court Remand)
 * 90-31 R. Lavin & Sons, Inc. (RCF)(due 12/17)
 90-59 Michael L. Christianson (MN)
 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)
 90-182 Ronald E. and Susan Tex (MN)
 90-200 Vito Zivoli (JCM)
 AS 91-3 Peoria Disposal (MN)
 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 6/4)
 * 91-113 Dept. of the Army (BF)(open waiver)
 * 91-118 City of Braidwood (MN)(due 3/12)
 91-129 City of Bloomington (JCM)
 91-136 Don Bolander (JA)
 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 7/9)
 * 91-174 Enterprise Leasing Company (JTM)(due 4/9)
 91-193 Park Crematory, Inc. (JCM)
 * 91-203 Export Packaging Company (MN)(due 4/23)
 * 91-223 Waste Hauling, Inc. (JTM)(due 3/12)
 * 91-224 5027 Corporation (BF)(due 9/3)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-236 City of Kewanee (JTM)(due 3/26)
- * 91-246 City of Joliet (JCM)(due 4/9)
- * 91-249 Custom Tapes (JCM)
- * 91-251 Monterey Coal Company (BF)(due 4/9)
- * 91-256 Gallatin National Company (JA)(due 4/9)