

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 3, 1992 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #86-161, Elizabeth Street Foundry, by a vote of 7-0. (GTG)

Board Member M. Nardulli presented a draft Opinion and Order in #90-182, Ronald and Susan Tex. The draft Opinion and Order failed to carry by a vote of 3-4 with B. Forcade, J. Theodore Meyer and M. Nardulli for it, and J. Anderson, R.C. Flemal, G.T. Girard and J.C. Marlin against it. The matter will be re-assigned to another Board Member.

An Opinion and Order was adopted in #91-10, Amoco Oil Company, by a vote of 7-0. (RCF)

An Interim Opinion and Order was adopted in #91-194, Residents of Cedarville, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AS 92-2, We-Shred-It, by a vote of 7-0. (JCM)

In R89-14(C), Groundwater Quality Standards, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RCF)

A Resolution and Order were adopted in #RES 92-1 (R90-1(A) and R90-1(D)), by a vote of 7-0. (JCM)

In R90-1(A), Toxic Air Contaminants List, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JCM)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##92-53, Illinois Central Railroad; 92-54, Jim Mayo; 92-56, Jeral Miller; 92-57, Western Lion.

Petitioner's motion for additional time to respond was granted until October 9, 1992, in #AS 91-13, City of Rock Island, by a vote of 7-0. (RCF)

Agency motion to file a response instanter was granted in #AS 92-5, D & L Landfill, by a vote of 7-0. (JA)

Petitioner's motion to dismiss was granted in #90-42, Stepan Company, by a vote of 7-0. (BF)

An Order granting the Complainants' motion to withdraw the complaint and denying Respondents' motion for summary judgment as moot, was adopted in #90-108, Joseph and Pamela Stratton, by a vote of 7-0. (JTM)

Petitioner's motion to dismiss was granted in #90-197, The Celotex Corporation, by a vote of 7-0. (BF)

Petitioner's motion to dismiss was granted in #91-16, Nicor National, by a vote of 7-0. (BF)

An Order directing the Petitioner to file another status report with the Board on or before November 30, 1992, was adopted in #91-75, Community Consolidated School District No. 15, by a vote of 7-0. (BF)

By a vote of 7-0, Petitioner's motion for reconsideration was granted, and upon reconsideration, the Board reversed that part of its July 30, 1992 order closing the docket, and directed the Hearing Officer to schedule a hearing promptly, in #91-202, Sherex Chemical Company, by a vote of 7-0. (MN)

Petitioner's voluntary motion to withdraw its petition for review was granted in #91-122, Ronk Electrical Industries, by a vote of 7-0. (BF)

An Order denying Petitioner's motion to accept the settlement and advising Petitioner that unless a motion for voluntary dismissal or an open waiver is filed before September 14, 1992, the case will be subject to dismissal for want of prosecution, was adopted in #92-10, Kelley-Williamson Company, by a vote of 7-0. (BF)

Agency motion to file the Record instanter was granted in #92-75, Larry Junkin, by a vote of 7-0. (JA)

Petitioners' motion to supplement the Agency Record was granted in #92-99, A.B. Dick Company, by a vote of 7-0. (JA)

Agency motion to file the Record instanter was granted in #92-103, City of Freeport, by a vote of 7-0. (JA)

Agency motion to file the Record instanter was granted in #92-105, Weyerhaeuser Company, by a vote of 7-0. (JA)

An Order denying Petitioner's request to incorporate the record from prior proceedings, advising Petitioner that the Board will incorporate by reference all prior Board Opinions and Orders and that Petitioner may, upon separate written request, incorporate portions of the prior record by filing four copies of the material with the Clerk, consistent with the procedural rules at 35 Ill. Adm. Code 101.106, was adopted in #92-107, Department of the Army, by a vote of 7-0. (BF)

Motion to schedule a hearing filed by the Sierra Club, Coalition for Consumer Rights and the Chicago Lung Association, was granted

in #R90-1(C), Toxic Air Contaminants List, by a vote of 7-0. (JCM) (Thereafter, Chairman Marlin introduced his new assistant, Deborah Frank)

These cases were discussed and held to September 17, 1992 for further discussion or possible decision: ##92-31, City of Roodhouse; 92-79, U.S. Department of Energy; 92-83, Harlem Township.

These regulatory matters were discussed and held to September 17, 1992 for further discussion or possible decision: R87-37, Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order; R92-1, RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Adopted Rule, Final Order, Opinion and Order; R92-7, Recycled Paper, Proposed Rule, Second Notice, Opinion and Order; R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposal for Public Comment, Opinion and Order.

In amended petitions these actions were taken by a vote of 7-0: ##92-78, Amoco Chemical, Board accepted corrections to the amended petition, 120-day decision time clock restarted with its filing, and the Board will not make a determination on the trade secret documents at this time, **Order by B. Forcade**; 92-92, North Shore Sanitary District, Petitioner's motion for incorporation of "Assessment of Physical Impacts from Combined Sewer Overflows Waukegan Wastewater Treatment Plant, 1990 and 1991 Annual and Comprehensive Report" be incorporated by reference was granted and held for an Agency recommendation, **Order by B. Forcade**.

In new cases these actions were taken by a vote of 7-0: ##92-117, IEI Barge Services, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 92-118, Ideal Heating Company v. EPA, accepted for hearing, **Order by B. Forcade**; 92-119, Yolanda Price v. South Shore Villa Condominiums and Quality Management Service, parties were directed to file simultaneous briefs addressing jurisdictional issue on or before September 25, 1992, and Clerk directed to serve the parties with a copy of Nesbitt along with this order via first class mail, and held for duplicitous/frivolous determination, **Order by J. Anderson**; 92-120, Amerock Corporation v. EPA, additional information requested, **Order by J. Theodore Meyer**; 92-121, People of the State of Illinois v. Minnesota Mining and Manufacturing Company, a/k/a 3M, hearing mandatory; 92-122, F and R Enterprises, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 92-123, Chemrex, Inc. v. EPA, accepted for hearing, **Order by M. Nardulli**; 92-124, Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ullus Gudder v. EPA, accepted for hearing, **Order by B. Forcade**; 92-125, Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA, accepted for hearing, **Order by B. Forcade**; 92-126, Safety-Kleen Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 92-127, City of Des Plaines, Gail Papasteriadis and Gabriel and Linda Gulo v. Solid

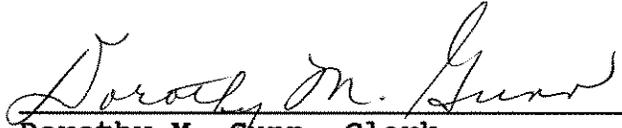
Waste Agency of North Cook County, held for duplicitious/frivolous determination; 92-128, Laclede Steel Company, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; 92-129, Akzo Chemicals, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; 92-130, Olin Corporation v. EPA, held for Agency Recommendation; R92-8, Amendments to Water Quality Regulations, accepted for hearing, Order by J.C. Marlin.

These Administrative Citations were received by the Board: #92-60, Sangamon County v. August A. Candioto, Jr.; 92-61, Christian County Solid Waste Management Department v. Waste Management, Inc., d/b/a Christian County Landfill, Inc.

Minutes of the August 13, 1992 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to September 17, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of September, 1992, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 3, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

92-130 Olin Corporation v. EPA

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 3, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

- 86-161 Elizabeth Street Foundry (GTG)

- 90-182 Ronald and Susan Tex (MN)

- * 91-10 Amoco Oil Company (RCF) (open waiver)

- 91-194 Residents of Cedarville, Interim Opinion and Order
(BF) _____
- AS 92-2 We-Shred-It (JCM) _____
- R89-14 Groundwater Quality Standards, Adopted Rule,
(C) Final Order, Opinion and Order (RCF)

- RES 92-1 Toxic Air Contaminants List, Resolution and Order
R90-1(A) (JCM) _____
R90-1(D)
- R90-1 Toxic Air Contaminants List, Adopted Rule, Final
(A) Order, Opinion and Order (JCM)

AC DECISIONS:

- 92-53 Illinois Central Railroad _____
- 92-54 Jim Mayo _____
- 92-56 Jeral Miller _____
- 92-57 Western Lion _____

*** INDICATES VARIANCE OR PERMIT APPEAL**

MOTIONS:

- AC 92-47 Donald Sickles - Respondent's motion to reconsider July 30, 1992 Default Order (8/10); Agency response to motion to vacate Default Order (8/28) (JCM)
-
- AS 91-13 City of Rock Island - Petitioner's joint status report and motion for additional time to respond (8/27) (RCF)
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- AS 92-5 D & L Landfill - Agency response and motion to file instanter (8/24) (JA)
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- 89-169 John and Jean Zarlenga - Complainants' motion for reconsideration (8/24), Respondents' response in opposition to Complainants' Pro Se motion for reconsideration to modify the amended final opinion and order of the Board (8/31) (JA)
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- 90-42 Stepan Company - Petitioner's motion for leave to withdraw Permit Appeal and motion to dismiss (8/20) (BF)
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- 90-108 Joseph & Pamela Stratton - Respondent's motion for summary judgment (8/3), Complainants' motion to withdraw complaint against Little Caesar's Pizza (8/4 & 8/17), Respondents' objection to Complainant's request to withdraw complaint and motion to continue hearing (8/17), (See also Hearing Officer letters filed 8/6 & 8/19) (JTM)
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- 90-170 Goose Lake Association - Complainants' motion to reopen proofs or to supplement proofs (8/17); Respondents' response to motion to reopen or supplement proofs (8/28), Complainant's reply to Respondents' response (8/31) (JA)
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- 90-197 The Celotex Corporation - Petitioner's motion to dismiss (8/31) (BF)
-
- 91-16 Nicor National - Petitioner's motion to dismiss (8/26) (BF)
-
- 91-38 American Waste Processing - Petitioner's motion to supplement the record (8/25)
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MOTIONS: (Cont'd)

- 91-75 Community Consolidated School District No. 15 -
Petitioner's status report as requested in Board
order dated 6/23(8/28) (BF)
-
- 91-202 Sherex Chemical Company - Petitioner's motion to
reconsider decision and to reopen the docket of its
permit appeal for certain limited purposes (8/11)
(MN)
-
- 91-222 Ronk Electrical Industries - Petitioner's voluntary
motion to withdraw petition for review (8/14) (BF)
-
- 92-10 Kelly-Williamson - Board Order (BF)
-
- 92-75 Larry Junkin - Agency motion to file Record
Instanter (JA)
-
- 92-98 Reichhold Chemicals - Petitioner's motion for leave
to file (8/25), motion to strike affirmative
defense (8/25); motion for leave to supplement the
Record (8/26) (BF)
-
- 92-99 A.B. Dick Company - Petitioners' motion to
supplement the Agency Record (9/1)
-
- 92-103 City of Freeport - Agency's motion to file Record
Instanter(8/27) (JA)
-
- 92-105 Weyerhaeuser Company - Agency motion to file Record
Instanter (8/14) (JA)
-
- 92-107 Department of the Army - Board Order (BF)
-
- R90-1 Toxic Air Contaminants List - motion to schedule
(C) hearing filed by the Sierra Club, Coalition for
Consumer Rights and the Chicago Lung Association
(6/17) (JCM)
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DISCUSSIONS:

- * 92-31 City of Roodhouse (JA) (due 9/17)

DISCUSSIONS: (Cont'd)

- * 92-79 U.S. Department of Energy (GTG) (due 9/17)

- * 92-83 Harlem Township (BF) (due 9/17)

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REGULATORY DISCUSSIONS:

- R87-37 Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order (GTG)

- R92-1 RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Adopted Rule, final Order, Opinion and Order (JA)

- R92-7 Recycled Paper, Proposed Rule, Second Notice, Opinion and Order (JTM)

- R92-10 RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposal for Public Comment, Opinion and Order (JA)

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AMENDED PETITIONS:

- 92-78 Amoco Chemical (8/26) (BF)

- 92-92 North Shore Sanitary District (8/19) (BF) (See also motion for incorporation filed 8/21)

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NEW CASES:

- 92-117 IEI Barge Services, Inc. v. EPA (BF)

- 92-118 Ideal Heating Company v. EPA (BF)

NEW CASES: (Cont'd)

- 92-119 Yolanda Price v. South Shore Villa Condominiums,
and Quality Management Service, Inc. (JA)

- 92-120 Amerock Corporation v. EPA (BF)

- 92-121 People of the State of Illinois v. Minnesota Mining
and Manufacturing Company, a/k/a 3M

- 92-122 F and R Enterprises, Inc. v. EPA (BF)

- 92-123 Chemrex, Inc. v. EPA _____
- 92-124 Mercantile Bank of St. Louis, N.A., Personal
Representative of the Estate of Ullus Gudder v. EPA
(BF) _____
- 92-125 Mercantile Bank of St. Louis, N.A., Personal
Representative of the Estate of Ann Gudder v. EPA
(BF) _____
- 92-126 Safety-Kleen Corporation v. EPA (BF)

- 92-127 City of Des Plaines, Gail Papasteriadis and Gabriel
and Linda Gulo v. Solid Waste Agency of North Cook
County (See also Complainants' motion for expedited
hearing filed 9/1) _____
- 92-128 Laclede Steel Company, Inc. v. EPA (Provisional
Variance) (JCM) _____
- 92-129 Akzo Chemicals, Inc. v. EPA (Provisional
Variance) (JCM) _____
- R92-8 Amendments to Water Quality Regulations (RCF)

NEW AC CASES:

- 92-60 Sangamon County v. August A. Candioto, Jr.

NEW AC CASES: (Cont'd)

92-61 Christian County Solid Waste Management Department
v. Waste Management, Inc., d/b/a Christian County
Landfill, Inc. _____

NEW ADJUSTED STANDARDS:

92-9 Conversion Systems, Inc. (See also motion to file
limited copies filed 8/24)) (JA)

MINUTES:

August 13, 1992 _____

PENDING CASES ASSIGNED:

85-140 Citizens Utilities Company (MN)
 * 85-166 Citizens Utilities Company (JTM) (open waiver)
 86-1 City of Peru CSO (JTM)
 86-2 City of LaSalle CSO (JTM)
 86-4 City of Morris CSO (RCF)
 89-44 Moline Corporation (BF)
 89-87)
 * 89-171 Pekin Energy Company (MN) (open waiver)
 * 89-177 CWM Chemical Services (JTM) (open waiver)
 AS 90-4 Granite City (JTM)
 * 90-31 R. Lavin & Sons, Inc. (RCF) (due 12/17)
 90-108 Joseph B. & Pamela J. Stratton (JTM)
 90-137 Laidlaw Waste Systems (JTM) (Appellate Court
 Remand) (JTM)
 * 90-143 Ohio Grain Company (GTG) (open waiver)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (GTG)
 90-149 Straders Logging & Lumber Mill (GTG)
 90-170 Goose Lake Association (JA)
 90-187 Herman W. Prescott (RCF)
 AS 91-3 Peoria Disposal (MN)
 AS 91-6 Dart Container Corporation (JCM)
 AS 91-9 City of East Moline (RCF) (due 1/21)
 AS 91-10 Cabot Corporation (JA)
 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 12/17)
 * 91-17 B.F. Goodrich Corporation (RCF) (due 12/17)
 91-30 Susan Curtis & Marcy Diesing (JCM)
 * 91-31 Rockford Products (JA) (due 10/29)
 AC 91-31(B) Randall Loveless (JCM)
 AC 91-45 Rochelle Disposal Service (JCM)
 91-50 Karl & Helen Christ (MN)
 AC 91-55 Vernon Albert (JCM)
 * 91-75 Community Consol. School Dist. No. 15 (BF) (open
 waiver)
 * 91-86 Raymond & Mary Moore (JA) (due 3/25)
 91-157 The Grigoleit Company (JA)
 91-183 Thomas & Barbara Sneed (JTM)
 91-194 Residents of Cedarville (BF)
 * 91-237 Laidlaw Environmental Services (RCF) (due 10/29)
 * 91-238 Laidlaw Environmental Services (RCF) (due 10/29)
 * 91-262 The Pumper, Inc. (GTG) (due 10/29)
 AC 92-3 Dennis Grubaugh (GTG)
 AS 92-3 Jefferson Smurfit (GTG)
 AS 92-2 We-Shred-It, Inc. (JCM)
 AS 92-4 Detroit Diesel Corporation (JA)
 AC 92-5 Ronald & Retha Rawe (BF)

PENDING CASES ASSIGNED: (Cont'd)

AS	92-7	Illinois Power Company (BF)
AS	92-8	Cabot Corporation (JA)
AS	92-9	Conversion Systems, Inc. (JA)
*	92-10	Kelly Williamson Company (BF) (due 10/15)
*	92-23	The Grigoleit Company (JA) (due 12/3)
	92-26	Dale & Deborah Dettlaff (BF)
AC	92-33	James Alexander (MN)
*	92-54	ESG Watts (MN) (due 10/29)
*	92-63	Dept. of the Air Force (JTM) (due 10/1)
	92-74	Kenneth & Cynthia Metvier (JTM)
*	92-81	James Lynch (JTM) (due 10/29)
*	92-88	Southern Park Food (BF) (due 12/3)
*	92-90	Robertson-Ceco (GTG) (open waiver)
*	92-94	Marsco Manufacturing (GTG) (open waiver)
*	92-98	Reichhold Chemicals (JA) (due 11/19)
*	92-103	City of Freeport (JTM) (due 10/29)
*	92-104	Roger Malkey (RCF) (due 10/29)
*	92-105	Weyerhaeuser Co. (JCM) (due 10/29)
*	92-107	Dept. of the Army (BF) (due 10/29)