

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 17, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

After calling the meeting to order, Chairman Marlin recognized the presence of Bharat Mathur, Chief, Bureau of Air, and Kathleen Bassi, Associate Counsel, Bureau of Air.

An Opinion and Order was adopted in #92-31, City of Roodhouse, by a vote of 6-1. B. Forcade dissented. (JA)

In R90-1(A), Toxic Air Contaminants List, a Supplemental Opinion was adopted by a vote of 7-0. (JCM)

In R92-1, RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R92-7, Recycled Paper, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #92-59, L.P. Fleck, Jr.

An Order denying Respondent's motion to reconsider and vacate a July 30, 1992 Default Order, but granting Respondent an extension of time until November 17, 1992 in which to pay the fine, was adopted in #AC 92-47, Donald Sickles, by a vote of 7-0. (JCM)

Agency motion to file its response instanter was granted in #AS 90-2, Shell Oil Company, by a vote of 7-0. (JCM)

Agency motion to file its response brief instanter was granted in #AS 90-4, Granite City, by a vote of 7-0. (JTM)

Agency motion to file its post-hearing comments instanter was denied in #AS 92-2, We-Shred-It, by a vote of 7-0. (JCM)

Complainants' motion for reconsideration was granted, and upon reconsideration, the Board reaffirmed its July 30, 1992 Opinion and Order in #89-169, John and Jean Zarlenga, by a vote of 7-0. (JA)

By a vote of 7-0, the parties were ordered to submit status reports to be received by the Board on or before February 1, 1993, in #90-31, R. Lavin & Sons. (RCF)

Complainants' motion to reopen proofs or to supplement proofs was denied in #90-170, Goose Lake Association, by a vote of 7-0. (JA)

Petitioner's motion for voluntary dismissal was granted in #90-244, General Electric, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in #91-31, Rockford Products, by a vote of 7-0. (JA)

Complainants' motion to dismiss was granted with prejudice in #91-50, Karl & Helen Christ, by a vote of 7-0. (MN)

By a vote of 7-0, the parties were ordered to submit status reports to be received by the Board on or before February 1, 1993, in #91-139, R. Lavin & Sons. (RCF)

Complainant's motion to withdraw was granted in #91-172, John Plosila, by a vote of 7-0. (BF)

An Order, granting an agreed motion to stay until January 17, 1993, and directing the parties to file a status report to be received by the Board on or before January 17, 1993, was adopted in #91-197, Cabot Corporation, by a vote of 7-0. (JCM)

Petitioner's motion for voluntary dismissal was granted in #91-237, Laidlaw Environmental Services, by a vote of 7-0. (RCF)

Petitioner's motion for voluntary dismissal was granted in #91-238, Laidlaw Environmental Services, by a vote of 7-0. (RCF)

An Order directing the Clerk of the Board to serve the counsel for the parties with a copy of a letter received by the Board, and directing the counsel for the parties to file a status report to be received by the Board on or before October 13, 1992, was adopted in #92-17, Tim's Standard/Freeport, by a vote of 7-0. (JCM)

Agency motion to extend the time in which to file the Agency record was granted until October 31, 1992 in #92-61, Ethyl Petroleum, by a vote of 7-0. (JCM)

Petitioner's motion to dismiss was granted in #92-75, Larry Junkin, by a vote of 7-0. (BF)

Petitioners' motion to withdraw was granted in #92-79, U.S. Department of Energy, by a vote of 7-0. (GTG)

An Order denying Petitioner's request for the Board to enter its final order after November 30, 1992, and granting Petitioner and the Agency until 4:30 p.m., September 28, 1992, to respond to Ramada Hotel, O'Hare's motion for leave to file an Amicus Curiae Brief, was adopted in #92-83, Harlem Township, by a vote of 7-0. (BF)

Petitioner's motions for leave to file a motion to strike affirmative defense and to supplement the record were granted in

#92-98, Reichhold Chemicals, by a vote of 4-3. Messrs. R.C. Flemal, B. Forcade and M. Nardulli dissented. (JA)

Agency motion for extension of time to file the record was granted until November 30, 1992 in #92-101, Shell Oil company, by a vote of 7-0. (JCM)

An Order granting Petitioner's motion for stay until January 17, 1993 and directing the parties to file a status report on or before January 18, 1993, was adopted in #92-105, Weyerhaeuser Company, by a vote of 7-0. (JCM)

A joint motion to dismiss was granted in #92-106, American Fly Ash, by a vote of 7-0. (BF)

These cases were discussed and held to October 1, 1992 for further discussion or possible decision: ##92-63, Department of the Air Force; 92-83, Harlem Township; 92-107, Department of the Army.

These regulatory matters were discussed and held to October 1, 1992 for further discussion or possible decision: R87-37, Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order; R91-3, Safe Drinking Water Update, USEPA Regulations (July 1, 1990 through December 31, 1990); R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), Proposal for Public Comment, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: ##92-119, Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc., held for duplicitous/frivolous determination; 92-127, City of Des Plaines, Gail Papasteriadis and Gabriel and Linda Gulo v. Solid Waste Agency of North Cook County, ordered held to October 1, 1992 Board Meeting.

By a vote of 6-0, new case #92-131, C.O.A.L. (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners, was accepted for hearing, J. Theodore Meyer abstained, Order by B. Forcade.

In other new cases these actions were taken by a vote of 7-0: ##92-132, LeRoy Brown & Sons, Inc. v. County Board of McDonough County, Illinois, accepted for hearing, Order by B. Forcade; 92-133, Cabot Corporation v. EPA, provisional variance granted, Order by J.C. Marlin; R92-17, Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between LaGrange Lock and Dam (Mile 80.2) and Lockport Lock (Mile 291), Petitioner's motion to waive 200 signature requirement granted and accepted for hearing, Order by R.C. Flemal.

These Administrative Citations were received by the Board: ##92-63, County of St. Clair v. Leo Canada; 92-64, County of Ogle

v. City of Rochelle and Rochelle Disposal Service, Inc.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #92-62, Bill Hammond.

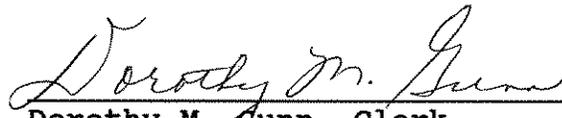
These new Adjusted Standards were ordered held to October 1, 1992 for possible consideration: ##92-6, C.J. Goodall Tire Company, Inc. and 92-9, Conversion Systems, Inc.

Petitioner's motion to dismiss voluntarily was granted in #AS 90-6, Marathon Petroleum Company, by a vote of 7-0. (BF)

Minutes of the September 3, 1992 Board Meeting were approved by a vote of 7-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this

1st day of October, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 17, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

AS 90-6 Marathon Petroleum Company - Petitioner's motion
to dismiss voluntarily (9/16)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 17, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 92-31 City of Roodhouse (JA) (due)
-
- R90-1 Toxic Air Contaminants List, Supplemental Opinion
(A) (JCM)
-
- 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)
-

AC DECISIONS:

- 92-59 L.P. Fleck, Jr.
-

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 90-2 Shell Oil Company - Agency motion to file response
instanter (9/9) (JCM)
-
- AS 90-4 Granite City - Agency response brief and motion to
file instanter (9/10) (JTM)
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* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- AS 92-2 We-Shred-It - Agency response to second amended petition for adjusted standard, Agency's post-hearing comments and Agency's motion for leave to file instanter (9/8) (JCM)
-
- 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)
-
- 90-31 R. Lavin & Sons - Board Order (RCF)
-
- 90-135 The Grogoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3), Agency response to motion for reconsideration (9/14) (JA)
-
- 90-148 B & M Steel - Respondent's Response to May 21, 1992 Board Order (GTG)
-
- 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)
-
- 90-244 General Electric - Petitioner's motion for voluntary dismissal (9/10)
-
- 91-31 Rockford Products - Petitioner's motion to withdraw appeal (9/15) (JA)
-
- 91-38 American Waste Processing - Petitioner's motion to supplement the record (8/25), Agency response to Petitioner's motion to supplement the record (9/3)
-
- 91-50 Karl & Helen Christ - Complainants' motion to dismiss (9/3) (MN)
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MOTIONS: (Cont'd)

- 91-122 Condecor - joint status report in response to June 23, 1992 Board Order (9/15)
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- 91-137 Amoco Oil Company - Petitioner's status report in response to June 23, 1992 Board Order (9/16)
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- 91-139 R. Lavin & Sons - Petitioner's status report in response to June 23, 1992 Board Order (9/15), Agency status report in response to June 23, 1992 Board Order (9/15) (RCF)
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- 91-172 John Plosila - Complainant's motion to withdraw (9/16) (BF)
-
- 91-197 Cabot Corporation - agreed motion to stay (9/15) (JCM)
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- 91-237 Laidlaw Environmental Services - Petitioner's motion for voluntary dismissal (9/15) (RCF)
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- 91-238 Laidlaw Environmental Services - Petitioner's motion for voluntary dismissal (9/15) (RCF)
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- 92-17 Tim's Standard/Freeport - See Petitioner's letter dated September 8, 1992 (JCM)
-
- 92-55 Stephen A. Smith - Petitioners' motion for reconsideration of August 13, 1992 Opinion and Order (9/16) (JTM)
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- 92-61 Ethyl Petroleum - Agency motion to extend time to file Agency Record (9/3) (JCM)
-
- 92-75 Larry Junkin - Petitioner's motion to dismiss (9/14) (BF)
-
- 92-79 U.S. Dept. of Energy - Petitioners' motion to withdraw appeal (9/16) (GTG)
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MOTIONS: (Cont'd)

- 92-83 Harlem Township - motion for leave to submit amicus curiae brief (9/10), Petitioner's motion for extension of time to file response to motion for leave to submit amicus curiae brief (9/15) (BF)
-
- 92-87 Ramada Hotel, O'Hare - Petitioner's motion for summary judgment and Memorandum in support of Petitioner's motion for summary judgment (9/11)
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- 92-98 Reichhold Chemicals - Petitioner's motion for leave to file motion to strike affirmative defense (8/25), Petitioner's motion for leave to supplement the Record (8/26), Agency response to Petitioner's motion for leave to file (9/3) (JA)
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- 92-101 Shell Oil Company - Agency motion for extension of time to file Record (9/3) (JCM)
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- 92-105 Weyerhaeuser Company - Petitioner's motion for Stay of proceedings (9/3) (JCM)
-
- 92-106 American Fly Ash - joint motion to dismiss (9/15) (BF)
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- 92-110 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3) (JA)
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DISCUSSIONS:

- * 92-63 Dept. of the Air Force (JTM) (due 10/1)
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- * 92-83 Harlem Township (BF) (due 11/19)
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- * 92-107 Dept. of the Army (BF) (due 10/29)
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REGULATORY DISCUSSIONS:

- R87-37 Public Water Supply, Cross-Connections, Proposed Rule, First Notice, Opinion and Order (GTG)
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- R91-3 Safe Drinking Water Update, USEPA Regulations (July 1, 1990 through December 31, 1990) (Due 10/1/92) (JA)
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- 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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NEW CASES:

- 92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. (JCM)
-
- 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 (9/1); Respondent's motion to dismiss as duplicitous/frivolous (9/15)**) (RCF)
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- 92-131 C.O.A.L (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners
-
- 92-132 LeRoy Brown & Sons, Inc. v. County Board of McDonough County, Illinois (BF)
-
- 92-133 Cabot Corporation v. EPA (Provisional Variance) (JCM)
-
- R92-17 Petition of the U.S. Army Engineer District, Rock Island, for a Dredged Material Placement Regulation Applicable to the Illinois Waterway between La Grange Lock and Dam (Mile 80.2) and Lockport Lock (Mile 291) (**See also request to waive 200 signature requirement**) (RCF)
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NEW AC CASES:

92-63 County of St. Clair v. Leo Canada_____

92-64 County of Ogle v. City of Rochelle and Rochelle
Disposal Service, Inc._____

AC APPEALS:

92-62 Bill Hammond_____

NEW ADJUSTED STANDARDS:

92-6 C.J. Goodall Tire Company, Inc.

92-9 Conversion Systems, Inc. (See also motion to file
limited copies 8/24; Agency motion for a 45 day
extension to file a Recommendation (9/10) (JA)

MINUTES:

September 3, 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 6/17)
 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)
 90-182 Ronald & Susan Tex (GTG)
 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 6/17)
 * 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 92-2 We-Shred-It, Inc. (JCM)
 AS 92-3 Jefferson Smurfit (GTG)
 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)
92-74 Kenneth & Cynthia Metvier (JTM)
* 92-81 James Lynch (JTM) (due 11/19)
* 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) (open waiver)
* 92-117 IEI Barge Services (RCF) (open waiver)
* 92-118 Ideal Heating Company (JTM) (due 12/17)
92-119 Yolanda Price (JCM)
* 92-120 Amerock Corporation (JTM) (due 12/17)
92-121 Minesota Mining & manufacturing (JA)
* 92-122 F & R Enterprises (GTG) (due 12/17)
* 92-123 Chemrex, Inc. (JA) (due 12/17)
* 92-124 Mercantile Bank of St. Louis (BF) (due 12/17)
* 92-125 Mercantile Bank of St. Louis (BF) (due 12/17)
* 92-126 Safety-Kleen Corporation (MN) (due 12/17)
92-127 City of Des Plaines et al. (RCF)
* 92-130 Olin Corporation (JCM) (due 12/17)