

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
OCTOBER 1, 1992 CHICAGO, ILLINOIS**

Chairman Marlin called the meeting to order at 10:40 a.m. and announced that the October 15, 1992 regular Board Meeting will be changed to October 16, 1992. All Board Members were present. As Mr. Meyer's arrival was delayed, the meeting commenced with case discussions.

These cases were discussed and ordered held to October 16, 1992 for further discussion or possible decision: ##85-140, Citizens Utilities Company; 90-143, Ohio Grain Company; AS 91-6, Dart Container Corporation; 91-201, RKF Enterprises; AC 92-3, Dennis Grubaugh; 92-10, Kelly Williamson.

An Opinion and Order was adopted in #92-63, Department of the Air Force, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #92-107, Department of the Army, by a vote of 7-0. (BF)

In R87-37, Public Water Supply, Cross-Connections, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. J. Anderson and B. Forcade concurred. (GTG)

In R90-1(D), Toxic Air Contaminants List, Styrene, a Request for Public Comment, Order was adopted by a vote of 7-0. (JCM)

In R90-23, General Motors Corporation Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF)

Complainant's motion to dismiss was granted in #AC 92-39, Leslie Norman Fred, Sr., by a vote of 7-0. (RCF)

A motion to strike and dismiss, filed by Rochelle Disposal Service, was denied in #AC 92-64, City of Rochelle, by a vote of 7-0. (JCM)

An Order directing the parties to file an updated status report on or before February 1, 1993, was adopted in #AS 91-8, Reynolds Metal Company, by a vote of 7-0. (JCM)

Pursuant to Petitioner's motion for modification of a September 3, 1992 Order, an Order, granting the Agency until December 1, 1992 to submit its response to the petition, was adopted in #AS 91-13, City of Rock Island, by a vote of 7-0. (RCF)

An Order granting the Agency's request for continuance of the October 14, 1992 hearing, requesting the Agency to explain, by October 15, 1992, what "relevant CARB data" it expects to receive,

how the data is relevant to the proceeding and when it expects to receive it, also when the Board can expect to receive all of the technical data; granting the Agency's request that the matter be separated into three dockets (all future filings shall be captioned as follows: #AS 92-4, In the Matter of: Joint Petition of Detroit Diesel Corporation and the Manufacturers Association for Adjusted Standards from 35 Ill. Adm. Code 240.141; the adjusted standard petition of Navistar International Transportation Corporation and the Engine Manufacturers Association shall be assigned to docket #AS 92-11, and shall be captioned as: In the Matter of: Joint Petition of Navistar International Transportation Corporation and the Manufacturers Association for Adjusted Standards from 35 Ill. Adm. Code 240.141; and the adjusted standard petition of Cummins Engine Company and the Engine Manufacturers Association shall be assigned to docket #AS 92-12, and future filings shall be captioned as: In the Matter of: Joint Petition of Cummins Engine Company and the Manufacturers Association for Adjusted Standards from 35 Ill. Adm. Code 240.141; directing all of the Petitioners to file amended petitions and, if applicable, new attachments, in each of the three dockets in accordance with the Board's procedural rules on or before November 13, 1992, or the dockets will be dismissed, and to insure proper notification is given of the redocketing, the Petitioners were directed to publish notice of their amended petitions in accordance with 35 Ill. Adm. Code 106.711, and file their certificate of publication with the Board in accordance with 35 Ill. Adm. Code 106.712, was adopted in #AS 92-4, Detroit Diesel, by a vote of 7-0. (JA)

An Order, directing the parties to file an additional status report to be received by the Board no later than January 15, 1993, was adopted in #89-178, Olin Corporation, by a vote of 7-0. B. Forcade concurred. (GTG)

By a vote of 7-0, the Agency was ordered to file with the Board, no later than October 30, 1992, a stipulation and/or motion for dismissal, a report explaining the status of the case against Respondent Loeb, and a time frame for projected future actions in ##90-89, -91-123, Fred Johnson. (JCM)

Petitioner's motion for leave to voluntarily withdraw the permit appeal and to cancel the hearing was granted in #91-18, Illinois Central Railroad, by a vote of 7-0. (BF)

Petitioner's motion to supplement the record was denied in #91-38, American Waste Processing, by a vote of 7-0. (BF)

Petitioner's motion to voluntarily dismiss was denied, however, in order to save the Board's and parties' resources and time, and in order to protect Petitioner's appeal rights in the event that the Agency fails to issue a corrected permit, the Board granted the Petitioner a 45 day stay in #91-56, Douglas Furniture, by a vote of 6-0. B. Forcade abstained. (JA)

Petitioner's motion to dismiss the permit appeal was granted in #91-57, Monsanto Company, by a vote of 7-0. (BF)

An Order directing the parties to file an additional status report to be received by the Board no later than December 15, 1992, was adopted in #91-122, Condecor, Inc., by a vote of 7-0. (GTG)

An Order directing the Petitioner to file an updated status report on or before November 15, 1992, was adopted in #91-137, Amoco Oil Company, by a vote of 7-0. (JTM)

Agency motion for an extension of time in which to file its response to Petitioner's motion for summary judgment was granted until October 5, 1992 in #92-87, Ramada Hotel, O'Hare, by a vote of 7-0. (JCM)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice that the parties have requested relief from the hearing requirement, was adopted in #92-95, Simplex, Inc., by a vote of 7-0. (JCM)

Petitioner's motion to withdraw counsel was granted and the Agency's motion for leave to file a supplemental answer and affirmative defense was denied as moot in #92-98, Reichhold Chemicals, by a vote of 7-0. (JA)

Petitioner's motion to dismiss was granted in #92-103, City of Freeport, by a vote of 7-0. (MN)

These regulatory matters were discussed and ordered held to October 16, 1992 for further discussion or possible decision: 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 R92-19, Amendments to Landfill Regulations Deletion of 35 Ill. Adm. Code 811(d)(1)(F) and 813.106(b) pursuant to Waste Management of Illinois v. IPCB (1st Dist. 1992), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JA)

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., Respondent's motion for an extension of time to file its response to a September 3, 1992 Board Order granted until October 16, 1992, Order by J.C. Marlin; 92-127, City of Des Plaines, Gail Papasteriadis and Gabriel and Linda Gulo v. Solid Waste Agency of North Cook County, accepted for hearing, Complainants' motion for expedited hearing was granted consistent with the Board's available resources and decision deadlines in other matters, Respondent's motion to dismiss was denied, B. Forcade concurred, Order by R.C. Flemal; 92-134, Lone Star

Industries, Inc. v. EPA, accepted for hearing and Petitioner's motion for leave to file oversized exhibits was granted, **Order by B. Forcade**; 92-136, Safety-Kleen Corporation (Schaumburg Facility) v. EPA, accepted for hearing, **Order by B. Forcade**; 92-137, Readette & Dunn v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-138, General Electric Company v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-139, Joseph and Patricia Slampak v. EPA, proceedings dismissed, **Order by M. Nardulli**; 92-140, Motor Wheel Corporation (Mendota Plant) v. EPA, accepted for hearing and Petitioner's motion to appear before the Board Pro Hac Vice was granted, **Order by B. Forcade**; 92-141, Marathon Pipeline Company v. EPA, provisional variance granted, **Order by J.C. Marlin**; R92-18, Contingency Plan Update, **docket reserved**; R92-19, Amendments to Landfill Regulations Deletion of 35 Ill. Adm. Code 811(d)(1)(F) and 813.106(b) pursuant to Waste Management of Ill. v. IPCB (1st Dist. 1992), **See Regulatory Discussions Agenda.**

These Administrative Citations were received by the Board:
 ##92-65, County of Madison v. Brian Hayes, d/b/a Hayes Excavating;
 92-66, County of St. Clair v. Greg Hammel; 92-67, County of St. Clair v. Mike Budd; 92-68, Montgomery County v. Envotech Illinois, Inc.

Because a Petition for Review was filed this Administrative Citation will be set for hearing: #92-64, City of Rochelle and Rochelle Disposal Service, Inc.

Amended Adjusted Standard #92-8, Cabot Corporation was accepted by the Board.

In new Adjusted Standards these actions were taken by a vote of 7-0: ##92-6, C.J. Goodall Tire Company, Inc., additional information requested, **Order by G. Tanner Girard**; 92-9, Conversion Systems, Inc., Petitioner directed to file an amended petition on or before November 13, 1992, or the petition will be subject to dismissal, Petitioner's motion to file a limited number of copies of the attachment to its petition granted, Petitioner's method of publication accepted and Petitioner should republish notice of the amended petition and Petitioner directed to file its certificate of publication within 30 days of filing its amended petition, **Order by J. Anderson**; 92-10, Petition of Southern Illinois Power Cooperative (Marion Power Station), **ordered held to October 16, 1992 for possible consideration.**

Minutes of the September 17, 1992 Board Meeting were approved by a vote of 7-0.

Minutes of the September 21, 1992 Board Meeting were approved by a vote of 4-0. Drs. R.C. Flemal, G. Tanner Girard and J.C. Marlin abstained.

By a vote of 7-0, the Board rescheduled the regular meeting set for October 15, 1992 to October 16, 1992.

All other matters not disposed of as listed were ordered held to October 16, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this _____ day of _____, 1992, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 1, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

92-142 Illinois Power Company (Clinton Power Station) v.
EPA (See also Petitioner's motions regarding
certain procedural issues filed 9/30)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 1, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

AC 92-5 Ronald D. Rawe and Retha M. Rawe (BF)

* 92-63 Dept. of the Air Force (JTM) (due)

* 92-83 Harlem Township (BF) (due 11/19)

* 92-107 Dept. of the Army (BF) (due 10/29)

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

R90-1 Toxic Air Contaminants List, Styrene, Request for
(D) Public Comment, Order (JCM)

R90-23 General Motors Corporation Siste-Specific, Adopted
Rule, Final Order, Opinion and Order (BF)

MOTIONS:

AC 92-39 Leslie Norman Fred, Sr. - Complainant's motion to
dismiss (9/30) (RCF)

AC 92-64 City of Rochelle - motion to strike and dismiss
filed by Rochelle Disposal Service (9/18);
Complainant's response (9/22) (JCM)

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- AS 91-8 Reynolds Metals - status report in response to June 23, 1992 Board Order (9/30) (JCM)
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- AS 91-13 City of Rock Island - Petitioner's motion for modification of September 3, 1992 Board Order (9/22) (RCF)
-
- AS 92-4 Detroit Diesel - Agency motion to continue hearing date (9/29) (JA)
-
- 89-178 Olin Corporation - joint status report in response to June 23, 1992 Board Order (9/16) (GTG)
-
- 90-89) Fred Johnson - Board Order (JCM)
91-123)
-
- 90-135 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3), Agency response to motion for reconsideration (9/14) (JA)
-
- 91-18 Illinois Central Railroad - motion for leave to voluntarily withdraw permit appeal and cancel hearing (9/24) (BF)
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- 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) (BF)
-
- 91-56 Douglas Furniture - Petitioner's motion to voluntarily dismiss (9/22) (JA)
-
- 91-57 Monsanto Company - Petitioner's petition to dismiss permit appeal (9/23) (BF)
-
- 91-122 Condecor - joint status report in response to June 23, 1992 Board Order (9/15) (GTG)
-
- 91-137 Amoco Oil Company - Petitioner's status report in response to June 23, 1992 Board Order (9/16) (JTM)
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MOTIONS: (Cont'd)

92-55 Stephen A. Smith - Petitioners' motion for reconsideration of August 13, 1992 Opinion and Order (9/16), City of Champaign's Brief in opposition to Petitioners' motion for reconsideration (9/29), Respondent XL Disposal's response to Petitioners' motion for reconsideration (9/30) (JTM)

92-83 Harlem Township - motion for leave to submit Amicus Curiae brief (9/10), Petitioner's response to Ramada Hotel, O'Hare's motion for leave to submit Amicus Curiae brief (9/29), Agency motion to file response to brief of Amicus Curiae instanter (9/30) (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), Agency motion for extension of time (9/30) (JCM)

92-95 Simplex, Inc. - Complainant's motion for relief from hearing requirement (9/21) (JCM)

92-98 Reichhold Chemicals - Petitioner's motion to withdraw counsel (9/23) (JA)

92-103 City of Freeport - Petitioner's motion to dismiss appeal (9/30) (MN)

92-110 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3) (JA)

DISCUSSIONS:

85-140 Citizens Utilities Company (MN)

* 90-143 Ohio Grain Company (GTG) (open waiver)

AS 91-6 Dart Container Corporation (JCM)

DISCUSSIONS: (Cont'd)

- * 91-201 RKF Enterprises (JCM) (due 1/7) _____
- AC 92-3 Dennis Grubaugh (GTG) _____
- * 92-10 Kelly-Williamson (BF) (due 10/15)

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REGULATORY DISCUSSIONS:

- R91-3 Safe Drinking Water Update, USEPA Regulations (July 1, 1990 through December 31, 1990) (JA)

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

- R92-19 Amendments to Landfill Regulations Deletion of 35 Ill. Adm. Code 811(d)(1)(F) and 813.106(b) pursuant to Waste Management of Illinois v. IPCB (1st Dist. 1992) (JA) _____
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NEW CASES:

- 92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. (See also Complainant's response to September 3, 1992 Board Order (9/25) and Respondent's motion to extend time (9/25) (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); Complainant's response to Respondent's motion to dismiss (9/22); Respondent's motion for leave to file reply to Complainants' response to Respondent's motion to dismiss 9/28) (RCF)

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NEW CASES: (Cont'd)

- 92-134 Lone Star Industries, Inc. v. EPA (See also
Petitioner's motion for leave to file oversized
exhibits (9/17)(BF)
-
- 92-136 Safety-Kleen Corporation (Schaumburg Facility) v.
EPA(BF)
-
- 92-137 Readette & Dunn v. EPA (Provisional Variance)(JCM)
-
- 92-138 General Electric Company v. EPA (Provisional
Variance)(JCM)
-
- 92-139 Joseph and Patricia Slampak v. EPA (MN)
-
- 92-140 Motor Wheel Corporation (Mendota Plant) v. EPA (See
also Petitioner's motion to appear before the Board
Pro Hac Vice and motion for stay filed 9/30)
-
- 92-141 Marathon Pipeline Company v. EPA (Provisional
Variance)(JCM)
-
- R92-18 Contingency Plan Update (DOCKET RESERVED)
- R92-19 Amendments to Landfill Regulations Deletion of 35
Ill. Adm. Code 811(d)(1)(F) and 813.106(b) pursuant
to Waste Management of Ill. v. IPCB (1st Dist.
1992) (SEE REGULATORY DISCUSSIONS AGENDA)
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NEW AC CASES:

- 92-65 County of Madison v. Brian Hayes, d/b/a Hayes
Excavating
-
- 92-66 County of St. Clair v. Greg Hammel
-
- 92-67 County of St. Clair v. Mike Budd
-
- 92-68 Montgomery County v. Envotech Illinois, Inc.
-

AC APPEALS:

92-64 City of Rochelle and Rochelle Disposal Service,
Inc. (See Motions Also) _____

AMENDED ADJUSTED STANDARDS:

92-8 Cabot Corporation (JA) _____

NEW ADJUSTED STANDARDS:

92-6 C.J. Goodall Tire Company, Inc. (GTG)

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);
Petitioner's response to Agency motion for 45 day
extension (9/21) (JA)

92-10 Petition of Southern Illinois Power Cooperative
(Marion Power Station) _____

MINUTES:

September 17, 1992 _____

September 21, 1992 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

* 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)
 90-146 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 91-9 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)
 AC 91-31(B) Randall Loveless (JCM)
 AC 91-45 Rochelle Disposal Service (JCM)
 91-50 Karl & Helen Christ (MN)
 AC 91-55 Vernon Abert (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)
 91-195 Scott A. & Karen Thomas (BF)
 * 91-202 Sherex Chemical Company (MN) (due 4/8)
 * 91-262 The Pumper, Inc. (GTG) (due 2/25)
 AC 92-3 Dennis Grubaugh (GTG)
 AS 92-3 Jefferson Smurfit (GTG)
 AS 92-4 Detroit Diesel Corporation (JA)
 AS 92-6 C.J. Goodall Tire Company (GTG)
 AS 92-7 Illinois Power Company (BF)
 AS 92-8 Cabot Corporation (JA)
 AS 92-9 Conversion Systems, Inc. (JA)
 AS 92-10 Southern Illinois Power (BF)
 * 92-17 Tim's Standard/Freeport (MN) (due 11/19)

PENDING CASES ASSIGNED: (Cont'd)

* 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)
AC 92-64 City of Rochelle (JCM)
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)
* 92-92 North Shore Sanitary District (JCM) (due 12/17)
* 92-94 Marsco Manufacturing (GTG) (open waiver)
* 92-98 Reichhold Chemicals (JA) (due 11/19)
* 92-103 City of Freeport (MN) (due 10/29)
* 92-104 Roger Malkey (RCF) (due 3/25)
* 92-105 Weyerhaeuser Company (JCM) (open waiver)
* 92-11 Russell L. Bacon (JA) (due 11/19)
* 92-117 IEI Barge Services (RCF) (open waiver)
* 92-118 Ideal Heating Company (JTM) (due 1/21)
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)
* 92-131 Laidlaw Waste Systems (MN) (due 1/7)
* 92-132 LeRoy Brown & Sons (GTG) (due 1/7)
* 92-134 Lone Star Industries (BF) (due 1/7)