

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

All Board Members were present.

An Opinion and Order was adopted in #88-98, IBP, Inc., by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 89-224(B), John Vander, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #91-203, Export Packaging, by a vote of 7-0. (MN)

An Order dismissing the proceedings upon Petitioner's motion to dismiss, was adopted in #91-233, L.D. Redmer Screw Products, by a vote of 7-0. (BF)

In R89-14(C), Groundwater Quality Standards, a Proposed Rule, Second First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##92-14, Browning Ferris Industries; 92-16, Harold Hillebrenner; 92-17, Robert and Virginia Connelly; 92-18, Lincoln/Logan Landfill, Inc.; 92-19, Lincoln/Logan Landfill, Inc.

Respondent's motion for reconsideration of a January 23, 1992 Board Opinion and Order was denied, and Agency motion for leave to file response instanter was granted in #AC 89-215(A), Omer Thomas, by a vote of 7-0. (BF)

A Supplemental Opinion and Order was adopted in #AS 91-1, Keystone Steel and Wire, by a vote of 7-0. (JA)

An agreed motion to extend the time in which the Petitioner may reply to the Agency's response to its amended petition for adjusted standard, was granted until May 29, 1992, and the hearing shall be scheduled on or before June 29, 1992 and held on or before August 29, 1992 or the petition in #AS 91-6, Dart Container Corporation, will be subject to dismissal. The vote was 7-0. (JCM)

An Order advising the parties that the Board does not believe that holding a public hearing is necessary at this time and that the Board will proceed to decision in the matter, was adopted in #AS 91-7, Sanitary District of Decatur, by a vote of 7-0. (GTG)

By a vote of 7-0, Petitioner's motion to stay proceedings was granted amicus curiae, the 35th District Environmental Task Force's motion for leave to file its response instanter was granted, and the Petitioner was ordered by the Board to file status reports every 90 days. Failure to file these reports, or any indication that there is intentional delay in the review process, will result in further Board action in #89-177, CWM Chemical Services. (JTM)

By a vote of 7-0, Petitioner's motion for reconsideration was granted and upon reconsideration, the Board vacated its April 9, 1992 Order, ordered a stay of the proceedings until August 1, 1992, and directed the parties to file a status report with the Board to be received by the Board no later than August 1, 1992, in ##90-164, -165, Riverside Laboratories, Inc. (MN)

By a vote of 7-0, a joint motion to reconsider and vacate an April 9, 1992 Board Order was granted and the parties were ordered to file a status report to be received by the Board no later than June 15, 1992, in #90-196, Heico Incorporated. B. Forcade concurred. (MN)

By a vote of 7-0, a joint motion to extend the hearing date was granted, the Board reconsidered and vacated its April 9, 1992 Order setting the matter for hearing, directed the parties to submit a status report to be received by the Board no later than June 15, 1992, and if the Petitioner chooses to waive the Board's decision deadline for a suitable period, the hearing officer was authorized to schedule the hearing for the week of August 24, 1992 as requested by the parties in #90-215, Spraying Systems Company. (MN)

An Order granting a stay of proceedings until August 1, 1992, and directing that the parties file an additional status report with the Board to be received by the Board no later than August 1, 1992, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 7-0. (MN)

Agency motion for leave to file recommendation instanter was granted in #91-113, Department of the Army, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

An Order staying the proceedings for 90 days, directing the parties to file another status report with the Board to be received by the Board no later than August 1, 1992, and advising the Agency that it may renew its request, if necessary, for an extension of time in which to file its recommendation, when the next status report is filed, was adopted in #91-176, M & D Flexographic Printers, by a vote of 7-0. (MN)

By a vote of 7-0, the Respondent was directed to provide to the Board, no later than May 18, 1992, copies of the releases for damages which it refers to in its motion to dismiss, and to explain, in the context of the Environmental Protection Act, the relevancy of the releases to the enforcement action before the Board in #91-194, Residents of Cedarville. (JA)

Agency motion to file the record instanter was granted in #91-200, Borden Chemicals & Plastics, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion for leave to amend the petition for hearing was denied as moot in #92-1, Russell L. Bacon, in light of the Board's dismissal of the action. (MN)

An Order accepting the matter for hearing, advising Petitioner that the Board will take its motion for sanctions with the case-in-chief, denying the Agency's motion to dismiss Petitioner's motion for sanctions, and as a result, Petitioner's motion for stay becomes moot, was adopted in #92-23, The Grigoleit Company, by a vote of 7-0. (JA)

A joint motion to allow the filing of status reports in lieu of hearing in #90-214, Quantum Chemical, was ordered held to May 7, 1992 for possible consideration.

Agency motion for summary judgment in #91-202, Sherex Chemical Company, was ordered held to May 7, 1992 for possible consideration.

These cases were discussed and held to May 7, 1992 for further discussion or possible decision: ##90-135, The Grigoleit Company; 90-148, B & M Steel Service Center; 90-149, Straders Logging and Lumber Mill; 91-86, Raymond and Mary Moore; 91-136, Don Bolender 91-223, Waste Hauling; 92-9, Platolene 500, Inc.

These regulatory matters were discussed and held to May 7, 1992 for further discussion or possible decision: R89-15, Underground Injection; R90-1, Toxic Air Contaminants; R92-1, RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Proposal for Public Comment, Proposed Opinion and Order.

In amended petitions these actions were taken by a vote of 7-0: ##AS 92-2, We-Shred-It, Inc., accepted for hearing; 92-23, The Grigoleit Company, **See Motions Agenda.**

In new cases these actions were taken by a vote of 7-0: ##92-27, Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm, **held for duplicitous/frivolous determination;** 92-48, Bruce Nesbitt v. The 100 Bellevue Place Condominium Association, **held for duplicitous/frivolous determination;** 92-54, ESG Watts, Inc. (Andalusia/Watts Landfill) v. EPA, accepted for hearing, **Order by B. Forcade;** 92-55, Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois, Intergovernmental Solid Waste Disposal Association, XL Disposal Corporation, J.M. Jones, Company and Duke and Associates, accepted for hearing, **Order by B. Forcade;** 92-56, Laraway Recycling and Disposal Facility v. EPA, provisional variance granted, **Order by J.C. Marlin;** 92-57, City of Wood River v. EPA, provisional variance granted, **Order by J.C. Marlin;** 92-58, City of Lincoln v. EPA, provisional variance granted, **Order by J.C. Marlin.**

These Administrative Citations were accepted by the Board:
 ##92-26, County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc.; 92-27, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-28, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-29, County of Ogle v. Richard Haan, Jr.; 92-30, Sangamon County v. The Illinois National Bank of Springfield, a/k/a First of America Trust Company as Trust Number 894-6418-002, and Ray Landers; 92-31, St. Clair County v. City of Centreville.

This new Adjusted Standard was filed with the Board and was ordered held to May 7, 1992 for possible consideration: #AS 92-3, Jefferson Smurfit Corporation.

Minutes of the April 9, 1992 Board Meeting were approved by a vote of 7-0.

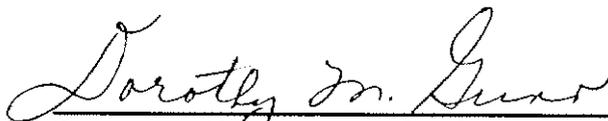
Minutes of the April 16, 1992 Special Board Meeting were approved by a vote of 4-0. Drs. G. Tanner Girard, R.C. Flemal and J.C. Marlin abstained.

An Order directing the parties to file another status report with the Board to be received by the Board no later than 60 days from the date of the entry of the Order in the event no settlement agreement has been previously filed, was adopted in #90-161, Columbia Quarry Company, by a vote of 7-0. (MN)

A provisional variance was granted in new case #92-59, City of Charleston v. EPA, by a vote of 7-0. (JCM)

All other matters not disposed of as listed were ordered held to May 7, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 5th day of May, 1992, by a vote of 7-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

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

ADDENDUM

MOTIONS:

90-161 Columbia Quarry Company - Status Report in
response to February 6, 1992 Board Order
(4/10) (MN)

NEW CASES:

92-59 City of Charleston v. EPA (Provisional
Variance) (JCM)

FINAL AGENDA
APRIL 23, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

88-98 IBP, Inc. (BF) _____

AC 89-215 Omer Thomas (BF) _____
(B)

AC 89-224 John Vander (MN) _____
(B)

90-200 Vito Zivoli (JCM) _____

AC 91-31 Randall Loveless (JCM) _____
(A & B)

* 91-203 Export Packaging (MN) (due)

* 91-233 L.D. Redmer Screw Products (BF) (due)

R89-14 Groundwater Quality Standards, Proposed Rule,
(C) Second First Notice, Proposed Opinion and Order
(RCF) _____

AC DECISIONS:

92-14 Browning Ferris Industries _____

92-16 Harold Hillebrenner _____

92-17 Robert & Virginia Connelly _____

92-18 Lincoln/Logan Landfill, Inc. _____

92-19 Lincoln/Logan Landfill, Inc. _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- AC 89-215 (A) Omer Thomas - Respondent's motion for reconsideration of January 23, 1992 Opinion and Order (2/27), Agency motion for leave to file instanter statement of costs and response in opposition to Respondent's motion for reconsideration (3/23), Respondent's motion to file reply instanter (3/26), Respondent's objection to affidavit of costs (4/6) (BF)
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- AC 91-32 Rochelle Disposal Services - Respondent's motion to strike and dismiss (4/7), Complainant's motion to strike and dismiss Respondent's motion to strike and dismiss (4/15), motion and argument for summary judgment by Rochelle Disposal Service (4/15), Complainant's response to Respondent's motion and argument for summary judgment (4/22) (JCM)
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- AC 91-45 Rochelle Disposal Service - Respondent's motion for leave to file instanter a motion to dismiss (4/6), Repondent's motion for leave to supplement instanter prior motion to dismiss (4/8), Complainant's motion to strike and dismiss Respondent's motion to strike and dismiss (4/9), Complainant's motion to strike and dismiss Respondent's motion for leave to file instanter (4/15), motion for permission to reply to Complainant's motion to strike and dismiss Respondent's motion (4/15), Complainant's response to Respondent's motion and argument for summary judgment (4/22) (Note: the Respondent did not file a motion and argument for summary judgment in this case)
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- AS 91-1 Keystone Steel and Wire - Petitioner's motion for modification of February 6, 1992 opinion and order (3/12), Agency response to Petitioner's motion for modification (3/27), Petitioner's motion for leave to file and reply (4/7) (JA)
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- AS 91-6 Dart Container Corporation - agreed motion to extend the time in which Petitioner may reply to the Agency's response to amended petition for adjusted standard (4/10) (JCM)
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MOTIONS: (Cont'd)

- AS 91-7 Sanitary District of Decatur - Board Order (GTG)
-
- 89-177 CWM Chemical Services - Petitioner's motion to stay proceedings (3/23), Respondents' response to Petitioner's motion to stay proceedings (4/13), motion for leave to file response of 35th District Environmental Task Force Instanter (4/16) (JTM)
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- 90-164 Riverside Laboratories - Petitioner's motion to reconsider April 9, 1992 Board Order (4/15) (MN)
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- 90-165 Riverside Laboratories - Petitioner's motion to reconsider April 9, 1992 Board Order (4/15) (MN)
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- 90-189 Modine Manufacturing Company - Petitioner's status report in response to February 6, 1992 Board Order (4/3)
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- 90-196 Heico Incorporated - joint motion to reconsider and joint motion to vacate April 9, 1992 Board Order (4/16) (MN)
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- 90-214 Quantum Chemical - joint motion to allow the filing of status reports in lieu of hearing (4/20)
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- 90-215 Spraying Systems Company - joint motion to extend hearing date (4/20)
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- 91-53 Enamelers and Japanners - Status Report in response to April 9, 1992 Board Order (4/21)
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- 91-84 Indian Refining Limited Partnership - joint status report in response to January 9, 1992 Board Order and agreed motion for stay of proceedings (4/10)
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- 91-113 Department of the Army - Agency motion for leave to file Recommendation Instanter (4/17) (BF)
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MOTIONS: (Cont'd)

- 91-176 M & D Flexographic Printers - Agency status report
in response to February 6, 1992 Board Order
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- 91-194 Residents of Cedarville - Respondent's motion to
dismiss (3/27)
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- 91-200 Borden Chemicals & Plastics - Agency motion for
leave to file answer instanter (4/20)
-
- 91-202 Sherex Chemical Company - Agency motion for summary
judgment (4/20)
-
- 92-1 Russell L. Bacon - Petitioner's motion for leave to
amend the petition for hearing (4/16), Agency
response in opposition to Petitioner's motion to
amend their petition (4/20) (MN)
-
- 92-23 The Grigoleit Company - Petitioner's third motion
for sanctions and other relief (2/11), Petitioner's
motion for stay (2/11), Agency motion to dismiss
Petitioner's motion for sanctions and other relief
(3/5), Petitioner's response to Agency motion to
dismiss Petitioner's third motion for sanctions and
other relief (3/13) (See also Amended Petitions) (JA)
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- 92-42 Burwell Oil Service - Petitioner's motion to
supplement record (4/9)
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DISCUSSIONS:

- 90-135 The Grigoleit Company (JA)
- 90-148 B & M Steel Service Center (GTG)
- 90-149 Straders Logging & Lumber Mill (GTG)
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- * 91-86 Raymond & Mary Moore (JA) (due 9/3)
-
- 91-136 Don Bolender (JA)
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DISCUSSIONS: (Cont'd)

- * 91-223 Waste Hauling (JTM) (due 5/7) _____
- * 92-9 Platolene 500, Inc. (BF) (due 5/7) _____
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REGULATORY DISCUSSIONS:

- R89-15 Underground Injection (MN) _____
- R90-1 Toxic Air Contaminants List, Proposed Rule, Second Notice, Opinion and Order (JCM) _____
- R92-1 RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Proposal for Public Comment, Proposed Opinion and Order (JA) _____
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AMENDED PETITIONS:

- AS 92-2 We-Shred-It (filed 4/10) _____
- 92-23 The Grigoleit Company (filed 4/15) (See also Motions) (JA) _____
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NEW CASES:

- 92-27 Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm, Respondent John Crown's motion to strike and dismiss complaint (3/2), Skylarks Remote Control Airplane Club's answer to formal complaint (3/12), Complainants' rebuttal to answer to formal complaint (3/23), Complainants' response to threshold issue (4/9), Skylarks Remote Control Airplane Club's motion to extend time to file response (4/16), Respondent Skylarks Remote Control Airplane Club's response to March 26, 1992 Board Order (4/20), Respondent John Crown (Golden Oaks Farm) Memorandum in response to March 26, 1992 Board Order (4/21) _____

NEW CASES: (Cont'd)

- 92-48 Bruce Nesbitt v. The 100 Bellevue Place Condominium Association (See also Respondent's motion to dismiss filed 4/9; Complainant's motion for leave to file opposition to Respondent's motion to dismiss on or before April 22, 1992 filed 4/16 and Complainant's Memorandum in opposition to Respondent's motion to dismiss filed 4/22)
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- 92-54 ESG Watts, Inc. (Andalusia/Watts Landfill) v. EPA (BF)
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- 92-55 Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois, Intergovernmental Solid Waste Disposal Association, XL Disposal Corporation, J.M. Jones, Company and Duke and Associates (See also cross-appeal from ruling of hearing officer filed 4/20) (BF)
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- 92-56 Laraway Recycling and Disposal Facility v. EPA (Provisional Variance) (JCM)
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- 92-57 City of Wood River v. EPA (Provisional Variance) (JCM)
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- 92-58 City of Lincoln v. EPA (Provisional Variance) (JCM)
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- AC 92-26 County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. (See also Complainant's motion for leave to amend caption of Administrative Citation filed 4/6; Petition for Review, motion to strike and dismiss filed by Rochelle Disposal Service 4/15 and Complainant's response to Respondent's motion to strike and dismiss filed 4/22)
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- AC 92-27 Logan County Health Department v. Lincoln/Logan Landfill, Inc.
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- AC 92-28 Logan County Health Department v. Lincoln/Logan Landfill, Inc.
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- AC 92-29 County of Ogle v. Richard Haan, Jr.

NEW CASES: (Cont'd)

- AC 92-30 Sangamon County v. The Illinois National Bank of
Springfield, a/k/a First of America Trust Company
as Trust Number 894-6418-002, and Ray Landers
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- AC 92-31 St. Clair County v. City of Centreville _____
- AS 92-3 Jefferson Smurfit Corporation _____
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MINUTES:

April 9, 1992 _____

April 16, 1992 (Special Board Meeting) _____

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)
 86-161 Elizabeth Street Foundry (RCF)
 * 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)
 * 90-31 R. Lavin & Sons, Inc. (RCF) (due 12/17)
 90-53 Industrial Fuels (Appellate Court Remand) (JA)
 90-108 Joseph B. & Pamela J. Stratton (JTM)
 90-135 The Grigoleit Company (JA)
 * 90-143 Ohio Grain Company (GTG) (open waiver)
 90-146 Village of Matteson (BF)
 90-170 Goose Lake Association (JA)
 90-182 Ronald E. & Susan Tex (MN)
 AS 91-3 Peoria Disposal (MN)
 AS 91-7 Sanitary District of Decatur (GTG)
 AS 91-9 City of East Moline (RCF) (due 9/3)
 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 8/13)
 * 91-17 B.F. Goodrich Corporation (RCF) (due 8/13)
 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)
 * 91-113 Dept. of the Army (BF) (open waiver)
 * 91-118 City of Braidwood (MN) (due 5/21)
 91-153 Clyde R. Dace (JA)
 91-157 The Grigoleit Company (JA)
 91-193 Park Crematory, Inc. (JCM)
 * 91-205 Fred & Cynthia Strube (BF) (due 5/21)
 * 91-237 Laidlaw Environmental Services (RCF) (due 6/25)
 * 91-238 Laidlaw Environmental Services (RCF) (due 6/25)
 * 91-243 Smith Oil Company of Kankakee (GTG) (due 7/30)
 * 91-256 Gallatin National Company (JA) (due 6/4)
 * 91-260 Capital Asset Corporation (BF) (due 7/9)
 * 92-10 Kelly Williamson Company (BF) (due 6/4)
 * 92-18 Village of Glasford (JTM) (due 5/21)
 * 92-23 The Grigoleit Company (JA) (due 6/4)
 * 92-25 Land and Lakes Company (MN) (due 6/4)
 * 92-31 City of Roodhouse (JA) (due 6/4)
 92-37 ARO Ready Mix (JCM)