

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JULY 9, 1992 CHICAGO, ILLINOIS

All Board Members were present save Dr. G. Tanner Girard who was on vacation.

An Opinion and Order was adopted in #91-193, Park Crematory, Inc., by a vote of 5-0. J. Anderson abstained. (BF)

An Opinion and Order was adopted in #92-42, Burwell Oil Service, by a vote of 4-2. R.C. Flemal and B. Forcade dissented. (MN)

An Opinion and Order was adopted in #92-49, Bernard Miller, by a vote of 6-0. (JTM)

In R89-14(C), Groundwater Quality Standards, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 6-0. (RCF)

A Default Order was adopted in this Administrative Citation by a vote of 6-0. #92-39, Leslie Norman Fred, Sr..

An Order granting Petitioner leave to file its completed demonstration instanter with fewer than nine copies of the attachments and duplicated on other than recycled paper, ordering Petitioner to submit a written filing that expressly requests or waives a public hearing no later than the date upon which its response to the Agency's recommendation is due, advising Petitioner that its notice of newspaper publication is due on or before July 6, 1992, advising the Agency that its recommendation is due on or before July 25, 1992, advising the parties that the Board will delay accepting the petition until the Petitioner has filed the notice of publication, and that the Board will defer setting the matter for hearing until 21 days after publication of the newspaper notice of filing and after the parties have completed their respective filings, was adopted in #AS 91-10, Cabot Corporation, by a vote of 6-0. (JA)

Petitioner's motion to substitute a corrected Attachment #5, the affidavit of Joseph N. Brewster to the amended petition and response to the Agency's variance recommendation, was granted in #90-27, Shell Oil Company, by a vote of 6-0 (JA)

An Order directing the hearing officer to schedule the matter for hearing on or before July 24 and to complete the hearing on or before August 24, 1992, and further directing the hearing officer to defer the hearing and order the filing of a status report if an appropriate waiver is filed on or before July 24, 1992, was adopted in #90-214, Quantum Chemical Corporation, by a vote of 6-0. (JCM)

An Order directing the parties to file an updated status report on or before September 15, 1992 in the event that no hearing has been scheduled in the matter at that time, was adopted in #90-244, General Electric Company, by a vote of 6-0. (JCM)

Agency motion to file the Record Instantly was granted in #91-38, American Waste Processing, by a vote of 6-0. (JA)

An Order directing the parties to file an updated status report on or before October 1, 1992, was adopted in #91-71, Douglas Furniture, by a vote of 5-0. B. Forcade abstained. (JCM)

An Order directing the parties to file an updated status report on or before August 10, 1992, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 6-0. (JCM)

Agency motion for leave to appear for Carol F. Barry, was granted in #91-206, Clayton Chemical Company, by a vote of 6-0. (JA)

Petitioner's motion to withdraw its appeal was granted in #91-250, Pekin Energy Company, by a vote of 6-0. (BF)

Complainants' motion to withdraw its emergency motion to dismiss with leave to reinstate was granted in #92-26, Dale & Deborah Dettlaff, by a vote of 6-0. (BF)

Petitioner's motion to dismiss was granted in #92-28, CSX Transportation, by a vote of 6-0. (MN)

Petitioner's motion for voluntary withdrawal of its appeal was granted in #92-43, Safety-Kleen, by a vote of 6-0. (BF)

Agency motion to extend the time to file the Record was granted until August 31, 1992 in #92-61, Ethyl Petroleum Additives, by a vote of 6-0. (JCM)

Agency motion to extend the time to file the Agency's Recommendation was granted until August 14, 1992 in #92-78, Amoco Chemical Company, by a vote of 6-0. (JCM)

Respondent's agreed motion for an extension of time in which to answer the complaint was referred to the hearing officer for disposition.

These cases were discussed and ordered held to July 30, 1992 for further discussion or possible decision: ##90-201, David L. Dravis and Margo Dravis; AC 91-31(A & B), Randall Loveless; 91-243, Smith Oil Company; 95-53, Martin Oil Marketing.

In new cases these actions were taken by a vote of 6-0: ##92-80, Lake County Forest Preserve District v. Neil Ostro, Janet Ostro, and Big Foot Enterprises, the July 8, 1992 notices of withdrawal as

representatives of respondents by the three attorneys from the firm of Karanganis & White, was construed by the Board as also withdrawing the July 7, 1992 motion to dismiss or stay, and held for duplicitous/frivolous determination, **Order by J. Theodore Meyer**; 92-92, North Shore Sanitary District v. EPA, additional information requested, **Order by B. Forcade**; 92-94, Marsco Manufacturing Company v. EPA, accepted for hearing, **Order by B. Forcade**; 92-95, People of the State of Illinois v. Simplex, Inc., hearing mandatory.

In other new cases these actions were taken by a vote of 5-1: 92-98, Reichhold Chemicals, Inc. v. EPA, accepted for hearing, B. Forcade dissented, **Order by M. Nardulli**; 92-99, A.B. Dick Company, accepted for hearing, B. Forcade dissented, **Order by J. Anderson**.

A provisional variance was granted in new case #92-100, United States Postal Service v. EPA, by a vote of 6-0. (JCM)

These Administrative Citations were accepted by the Board: #92-50, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-51, EPA v. John McCullum and Nina J. McCullum; 92-52, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-53, Sangamon County v. Illinois Central Railroad Company.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #92-41, Lakewood Homes & Development Company.

This amended Adjusted Standard was accepted by the Board: #AS 92-3, Jefferson Smurfit Corporation.

In new Adjusted Standards these actions were taken by a vote of 6-0: #92-5, Petition of D & L Landfill, Inc. and D & L Disposal, Inc., accepted for hearing and Petitioner directed to address certain questions and issues at hearing, **Order by J. Anderson**; 92-7, Petition of Illinois Power Company (Vermilion Power Station), Petitioner's motion for waiver of present submission of verifying affidavits denied and held to July 30 for possible consideration, **Order by J. Anderson**.

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

Minutes of the June 26, 1992 Special Board Meeting were approved by a vote of 4-0. R.C. Flemal and J.C. Marlin abstained.

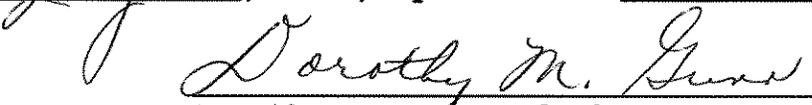
Petitioner's motion to withdraw its petition for review was granted in #90-198, Commonwealth Edison Company, by a vote of 6-0. (BF)

An Order denying an agreed motion to continue the hearing, but authorizing the hearing officer to continue the hearing in the event an appropriate waiver of the Board's decision date is

received, was adopted in #91-18, Illinois Central Railroad (Centralia Facility), by a vote of 6-0. JCM)

All other matters not disposed of as listed were ordered held to July 30, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 30th day of July, 1992, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 9, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 2-025
10:30 A.M.

ADDENDUM

MOTIONS:

90-198 Commonwealth Edison Company - Petitioner's motion
to withdraw petition for review (7/8)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 9, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 2-025
10:30 A.M.

DECISIONS:

- 91-193 Park Crematory, Inc. (BF)

- * 92-42 Burwell Oil Service (MN) (due)

- * 92-49 Bernard Miller (JTM) (due)

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

AC DECISIONS:

- 92-39 Leslie Norman Fred, Sr. _____

MOTIONS:

- AC 92-24 White & Brewer Trucking - Respondent's motion to
reconsider May 7, 1992 default order (5/26),
Respondent's affidavit in response to June 23, 1992
Board Order (7/2) (JCM)

- AS 91-10 Cabot Corporation - Petitioner's motion to allow
document form and late filing Instanter (6/25) (JA)

- 89-169 John Zarlenga & Jean Zarlenga - Respondents'
expedited motion to amend the Board's February 27,
1992 final Opinion and Order (7/7) (JA)

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 90-27 Shell Oil Company - Petitioner's motion to substitute corrected Attachment #5, the affidavit of Joseph N. Brewster to the amended petition and response to Agency variance recommendation (6/29) (JA)
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- 90-214 Quantum Chemical - status report in response to May 7, 1992 Board Order (7/1) (JCM)
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- 90-244 General Electric Company - status report in response to May 7, 1992 Board Order (7/1) (JCM)
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- 91-18 Illinois Central Railroad - agreed motion to continue hearing (7/7) (JCM)
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- 91-38 American Waste Processing - Agency motion to file Record Instanter (7/6) (JA)
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- 91-53 Enamelers and Japanners - Complainant's motion for summary judgment (5/19), Complainant's motion to strike Respondent's answer to first amended complaint (5/26), Respondent's motion for leave to file answer to the original complaint instanter (6/4), Respondent's answer to Complainant's motion for summary judgment (6/4), Complainant's reply to Respondent's answer to Complainant's motion for summary judgment (6/15), Complainant's request for summary judgment as to Counts IV and XII of its amended complaint (7/2) (MN)
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- 91-71 Douglas Furniture - Agency status report in response to May 7, 1992 Board Order (7/2) (JCM)
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- 91-94 Safety-Kleen Corporation - joint status report in response to April 9, 1992 Board Order (6/24), joint status report in response to April 9, 1992 Board Order (6/29) (JCM)
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MOTIONS: (Cont'd)

- 91-202 Sherex Chemical Company - Petitioner's motion for summary judgment (6/5), Agency motion to file response to Petitioner's motion for summary judgment Instanter and Agency cross-motion for summary judgment (6/25), Petitioner's reply in support of its motion for summary judgment and response to the Agency's cross-motion for summary judgment (7/6) (MN)
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- 91-206 Clayton Chemical Company - Agency motion for leave to appear (6/25) (JA)
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- 91-250 Pekin Energy Company - Petitioner's motion to withdraw appeal (6/26) (BF)
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- 92-26 Dale & Deborah Dettlaff - Complainants' emergency motion to dismiss with leave to reinstate (6/29), Respondent's response in opposition to Complainants' emergency motion (6/29), Complainant's reply to Respondent's response to Complainant's emergency motion (6/29), Complainant's motion to withdraw its motion to dismiss with leave to reinstate (7/7) (BF)
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- 92-28 CSX Transportation - Petitioner's motion to dismiss (7/2) (MN)
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- 92-33 Thaddeus Kulpaka - Respondent's motion to dismiss or for summary judgment (6/5), Complainant's response to Respondent's motion to dismiss or for summary judgment (6/15)
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- 92-36 City of Lake Forest - Petitioner's motion to reconsider June 23, 1992 Board Order (7/1), Agency response to Petitioner's motion to reconsider (7/8) (JCM)
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- 92-43 Safety-Kleen - Petitioner's motion for voluntary withdrawal of appeal (7/2) (BF)
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MOTIONS: (Cont'd)

- 92-61 Ethyl Petroleum Additives - Agency motion to extend time to file record (6/29) (JCM)
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- 92-67 Escast, Inc. - Respondent's motion to strike (5/29) (RCF)
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- 92-78 Amoco Chemical Company - Agency motion to extend time to file Agency recommendation (6/26) (JCM)
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- 92-84 Berkshire Furniture Company - Respondent's agreed motion for extension of time in which to answer the complaint (7/7)
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- R90-1 Toxic Air Contaminants List - motion to schedule hearing filed by the Sierra Club, Coalition for Consumer Rights and the Chicago Lung Association (6/17) (JCM)
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DISCUSSIONS:

- 90-201 David L. Dravis & Margo Dravis (GTG)
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- AC 91-31 Randall Loveless (JCM)
- (A & B)
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- * 91-243 Smith Oil Company (GTG) (due 7/30)
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- * 92-53 Martin Oil Marketing (BF) (due 7/30)
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NEW CASES:

- 92-80 Lake County Forest Preserve District v. Neil Ostro, Janet Ostro, and Big Foot Enterprises (See also Respondents' motion to dismiss the complaint or in the alternative stay the proceedings and Memorandum of Law in support of the motion to dismiss (7/7); Respondents' motion to strike complaint for environmental remediation and civil penalties (7/7) (JTM)
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NEW CASES: (Cont'd)

- 92-92 North Shore Sanitary District v. EPA (BF)

- 92-94 Marsco Manufacturing Company v. EPA

- 92-95 People of the State of Illinois v. Simplex, Inc.

- 95-98 Reichhold Chemicals, Inc. v. EPA

- 92-99 A.B. Dick Company v. EPA (JA)

- 92-100 United States Postal Service v. EPA (Provisional
Variance) (JCM) _____
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NEW AC CASES:

- 92-50 Logan County Health Department v. Lincoln/Logan
Landfill, Inc. _____
- 92-51 EPA v. John McCullum and Nina J. McCullum

- 92-52 Logan County Health Department v. Lincoln/Logan
Landfill, Inc. _____
- 92-53 Sangamon County v. Illinois Central Railroad
Company _____
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AC APPEALS:

- 92-41 Lakewood Homes & Development Company _____
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AMENDED ADJUSTED STANDARDS:

- 92-3 Jefferson Smurfit Corporation (filed 6/22)

NEW ADJUSTED STANDARDS:

92-5 Petition of D & L Landfill, Inc. and D & L Disposal, Inc. (See Certificate of Publication filed 6/26 and request for a public hearing filed by James E. Buchmiller 6/29) (JA)

92-7 Petition of Illinois Power Company (Vermilion Power Station) (See also Petitioner's motion for waiver of present submission of verifying affidavits filed 7/1 and the Agency's response to Petitioner's motion for waiver of present submission of verifying documents file 7/8)

MINUTES:

June 23, 1992 _____

June 26, 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 (GTG)
 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)
 90-108 Joseph B. & Pamela J. Stratton (JTM)
 90-135 The Grigoleit Company (JA)
 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)
 90-182 Ronald E. & Susan Tex (MN)
 90-187 Herman W. Prescott (BF)
 AS 91-3 Peoria Disposal (MN)
 AS 91-5 Elizabeth Street Foundry (GTG)
 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)
 AC 91-31 Randall Loveless (JCM)
 AC 91-45 Rochelle Disposal Service (JCM)
 * 91-75 Community Consol. School Dist. No. 15 (BF) (open
 waiver)
 * 91-86 Raymond & Mary Moore (JA) (due 3/25)
 91-153 Clyde R. Dace (JA)
 91-157 The Grigoleit Company (JA)
 91-194 Residents of Cedarville (BF)
 * 91-202 Sherex Chemical Company (MN) (due 12/3)
 * 91-237 Laidlaw Environmental Services (RCF) (due 9/17)
 * 91-238 Laidlaw Environmental Services (RCF) (due 9/17)
 AC 92-3 Dennis Grubaugh (GTG)
 AS 92-4 Detroit Diesel Corporation (JA)
 * 92-10 Kelly Williamson Company (BF) (due 10/15)
 * 92-23 The Grigoleit Company (JA) (due 12/3)
 * 92-28 CSX Transportation, Inc. (MN) (due 8/13)
 * 92-31 City of Roodhouse (JA) (due 8/13)

PENDING CASES ASSIGNED: (Cont'd)

- * 92-55 Stephen A. Smith et al. (JTM) (due 8/13)
- * 92-63 Dept. of the Air Force (JTM) (due 10/1)
- * 92-90 Robertson-Ceco (GTG) (due 10/1)
- * 92-91 City of Aledo (JCM) (due 10/1)