

**MINUTES OF REGULAR BOARD MEETING
OCTOBER 24, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #85-95, Citizens Utilities Company (Remand), by a vote of 6-0. R.C. Flemal abstained and B. Forcade concurred. (JA)

An Opinion and Order was adopted in #89-106, D & B Refuse Service, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #AC 90-64(B), Louis Mund, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-65(B), Arthur Fields, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-66(B), Sandra Petroff, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-67(B), Timothy Doctor, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-91(Docket A and B), Bernard Leitschuh, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #91-2, Olin Corporation, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #AC 91-17(B), Ronald Feldman, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

In R91-18, Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous (Infectious) Hospital Waste, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

In R91-25, Amendments to 35 Ill. Adm. Code Subtitle H: Noise Pertaining to Definitions, Measurement Procedures, and Sound Emission Standards Relating to Certain Noise Sources, an Inquiry Hearings Order was adopted by a vote of 7-0. (BF)

In R91-26, RCRA Wood Preserving Compliance Dates, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-40, Curtis A. Newlan; 91-41, James Womack; 91-42, Joe Hammel.

Agency motion for leave to file Affidavit of Costs Instanter in #AC 91-17(B), Ronald Feldman, was handled with the case-in-chief

under the Decision Agenda.

Complainants' request for leave to respond to Respondents' motion Instanter was granted and Respondents' motion for an extension of time to comply with the Board's May 9, 1991 Interim Opinion and Order was granted until October 31, 1991 in #89-169, John and Jean Zarlenga, by a vote of 7-0. (JA)

An Order directing the Clerk of the Board to publish the required newspaper notice that the parties have requested relief from hearing pursuant to Section 31(a)(2) of the Environmental Protection Act as enacted in Public Act 87-1034 effective August 13, 1991, and advising the parties that the Board will reserve ruling on its request after the statutory 21 day notice has passed, was adopted in #90-184, Hopper Paper Division, Georgia-Pacific Corporation, by a vote of 7-0. (JCM)

By a vote of 7-0, Petitioner's motion for expedited decision in #90-227, DMI, Inc., was granted subject to constraints imposed by the Board's workload and resources. J. Dumelle concurred. (RCF)

By a vote of 7-0, an Order directing all parties, if desired, to file no later than November 5, 1991, responses to several motions filed by numerous parties, was adopted in #91-30, Susan Curtis and Marcy Diesing. (JCM)

Respondent's motion to strike in #91-148, James W. Turner, Sr., was referred to the Hearing Officer for disposition.

An Order was adopted pursuant to Respondents' motion for leave to file an affidavit in #91-153, Clyde R. Dace, by a vote of 7-0. (JCM)

Petitioner's motion to consolidate proceedings was granted in ##91-158, -179, Commonwealth Edison Company, by a vote of 7-0. (JCM)

Petitioner's motion to consolidate proceedings was granted in ##91-178, -180, Commonwealth Edison Company, by a vote of 7-0. (JCM)

Petitioner's motion to dismiss was granted in #91-171, Monsanto Company, by a vote of 7-0. (BF)

By a vote of 7-0, Agency motion to extend the time in which to file the Agency's Recommendation until the Petitioner and the USEPA have resolved the issues lying between them in #91-176, M & D Flexographic Printers, was granted in part for 120 days from October 24, 1991. The Board further directed the Agency and Petitioner to file a status report on the proceeding no later than January 23, 1992, at that time the Agency may renew its

motion for an extension of time. (JCM)

An Order reopening the docket to formally take notice of the Agency's and DENR's responses to an August 26, 1991 Opinion and Order which dismissed the proceedings and closed the docket effective October 15, 1991, and affirming its August 26, 1991 Opinion and Order dismissing the proceedings and closing the docket, now effective October 24, 1991, was adopted in R88-8, Census of Solid Waste Management Facilities, by a vote of 7-0. (JA)

Agency motion to amend proposal was granted and a Proposed Rule, Amended Second First Notice, Opinion and Order was adopted in R91-22, PM₁₀ Emission Limits, by a vote of 7-0. (JTM)

Agency motion for leave to file Instanter and Agency reply to Petitioner's response to the Agency's Recommendation was granted in #AS 91-1, Keystone Steel and Wire Company, by a vote of 7-0. (JA)

This case was discussed and ordered held to November 7, 1991 for further discussion or possible decision: #90-59, Michael L. Christianson.

These regulatory matters were discussed and ordered held to November 7, 1991 for further discussion or possible decision: R89-5, Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order; R89-14(B), Groundwater Quality Standards, Adopted Rule, Final Order, Opinion and Order; R89-17(C), California Motor Vehicle Standards; R90-20, Diesel Vehicle Exhaust Opacity Limits, Proposed Rule, Second Notice, Opinion and Order.

In amended petition #91-139, R. Lavin & Sons, these actions were taken by a vote of 6-1: Agency motion for summary judgment was denied and the amended petition was accepted for hearing. B. Forcade dissented. (JCM)

In new cases these actions were taken by a vote of 7-0: #91-136, Don Bolander v. Monticello Bus Service, Wayne Kruger, President, held for duplicitous/frivolous determination; 91-152, Evirite Corporation v. EPA and Peoria Disposal Company, ordered held to November 7, 1991 for possible consideration; 91-172, John Plosila v. Bandito Barney's, First American Bank (Wallace Trust No. 89-008) and Thom McNamee, Respondent Thom McNamee's, motion to dismiss denied and complaint accepted for hearing, Order by J.C. Marlin; 91-183, Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar, First Bank & Trust Company, held for duplicitous/frivolous determination; 91-194, Residents of Cedarville v. Village of Cedarville, held for duplicitous/frivolous determination; 91-195, Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc., held for

duplicitous/frivolous determination; 91-196, Safety-Kleen Corporation (Chicago Recycle Center) v. EPA, accepted for hearing, Order by B. Forcade; 91-197, Cabot Corporation (Tuscola Facility) v. EPA, accepted for hearing, Order by B. Forcade; 91-198, Enterprise Leasing (Chicago) v. EPA, accepted for hearing, Order by B. Forcade; 91-199, Commonwealth Edison Company (Byron Nuclear Power Station) v. EPA, accepted for hearing, Order by B. Forcade; 91-200, Borden Chemicals and Plastics Operating Partnership v. EPA, accepted for hearing, Order by B. Forcade; R91-27, RACT, 25 Tons Per Year Sources, docket opened on Board's own motion to address the requirements for regulating volatile organic material emissions from sources with the potential to emit more than 25 tons per year of volatile organic material, but which are not already regulated, Order by J. Anderson; R91-28, RACT, Geographical Expansion for the Chicago CMSA, docket opened on Board's own motion to address the requirements for regulating volatile organic material emissions from sources within the area in northeastern Illinois ultimately determined to be the non-attainment area for planning purposes, Order by J. Theodore Meyer; R91-29, RACT, Geographical Expansion for St. Louis MSA, docket opened on Board's own motion to address the requirements for regulating volatile organic material emissions from sources within the area in southern Illinois ultimately determined to be the non-attainment area for planning purposes, Order by J.C. Marlin; R91-30, Stage II Vapor Recovery for Chicago and St. Louis Area, docket opened on Board's own motion to address the requirements for regulating volatile organic material emissions from gasoline dispensing facilities consistent with Stage II vapor recovery in the Chicago and St. Louis areas, Order by R.C. Flemal; 91-31, Employee Trip Reduction Program, docket opened on Board's own motion to address the requirements for employee trip reduction plans in the Chicago area, Order by B. Forcade; R91-32, Granite City SO₂ Emission Limits, docket opened on Board's own motion to address the requirements for emission limitations for sulfur dioxide for facilities located in the Granite City area, Order by J. Dumelle; R91-33, Alton SO₂ Emission Limits, docket opened on Board's own motion to address the requirements for emission limitations for sulfur dioxide for facilities located in the Alton area, Order by M. Nardulli; R91-34, Southeast Chicago SO₂ Emission Limits, docket opened on Board's own motion to address the requirements for emission limitations for sulfur dioxide for facilities located in the southeast Chicago area, Order by J. Anderson; R91-35, PM₁₀ Ambient Limits, docket opened on Board's own motion to address the requirements for ambient air quality standards for PM₁₀, Order by J. Theodore Meyer; R91-36, Episode Regulations for PM₁₀, docket opened on Board's own motion to address the requirements for episode regulations for PM₁₀; R91-37, Contingency Measures for PM₁₀, docket opened on Board's own motion to address the requirements for contingency measures for PM₁₀, Order by B. Forcade.

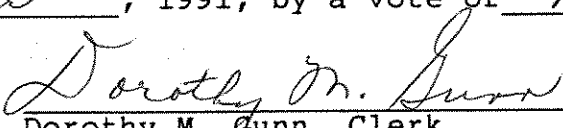
This Administrative Citation was filed with the Board: #91-46, Ivan Ping.

Because a Petition for Review was filed with the Board, this Administrative Citation will be set for hearing: #91-45, Rochelle Disposal Services.

Minutes of the October 10, 1991 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to November 7, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 7th day of November, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 24, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

SECOND ADDENDUM

NEW CASES:

- 91-200 Borden Chemicals and Plastics Operating Partnership
v. EPA
-
- R91-37 Contingency Measures for PM₁₀
-

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 24, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

R91-37 Contingency Measures for PM₁₀

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 24, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

85-95 Citizens Utilities Company (Remand)(JA)

* 89-106 D & B Refuse Service (MN)(due)

AC 90-64 Louis Mund (BF)_____
(B)
AC 90-65 Arthur Fields (BF)_____
(B)
AC 90-66 Sandra Petroff (BF)_____
(B)
AC 90-67 Timothy Doctor (BF)_____
(B)
AC 90-91 Bernard Leitschuh (BF)_____
(A & B)
90-140 People of the State of Illinois v. G & K Investments,
Inc., Gary Cross, and Kevin Leesman (BF) (Stip)

* 91-2 Olin Corporation (JCM)(due 12/19)

AC 91-17 Ronald Feldman (JCM)_____
(B)
R91-18 Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous
(Infectious) Hospital Waste, Proposed Rule, Second
Notice, Opinion and Order (RCF)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

R91-25 Amendments to 35 Ill. Adm. Code Subtitle H: Noise Pertaining to Definitions, Measurement Procedures, and Sound Emission Standards Relating to Certain Noise Sources, Inquiry Hearings Board Order (BF)

R91-26 RCRA Wood Preserving Compliance Dates, Proposal for Public Comment, Proposed Opinion and Order (JA)

AC DECISIONS:

91-40 Curtis A. Newlan

91-41 James Womack

91-42 Joe Hammel

AC MOTIONS:

91-17 Ronald Feldman - Agency motion for leave to file
(B) Affidavit of Costs Instanter (10/22)(JCM)

MOTIONS:

89-169 John and Jean Zarlenga - Respondent's motion for extension of time to comply with May 9, 1991 Board Order (9/27)(JA)

89-184 The Grigoleit Company - Petitioner's second motion for sanctions and other relief (10/2), Agency motion to file Instanter and response to Petitioner's second motion for sanctions and other relief (10/9)(JA)

90-184 Hopper Paper Division - agreed motion to request relief from hearing requirement (10/2)(JMC)

90-227 DMI, Inc. - Petitioner's motion for expedited decision (10/21)(RCF)

MOTIONS: (Cont'd)

- 91-7 Land and Lakes - Respondent's motion to reconsider August 26, 1991 Board Order (9/27), Petitioners' response to Respondent's motion to reconsider (10/15)(JA)
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- 91-30 Susan Curtis & Marcy Diesing - City of Crystal Lake's Complaint (7/26), Respondent's motion for leave to file answer to the complaint of the Intervening Complainant, the City of Crystal Lake, and its Cross-Complaint against Crystal Lake (10/8), Petition to Intervene by Village of Lake in the Hills (10/11), Village of Lake in the Hills motion to file a reply to response of City of Crystal Lake to its Petition to Intervene (10/21), response of Intervening-Complainant to motion of Complainant for leave to file its Answer and Cross-Complaint (10/23)(JCM)
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- 91-148 James W. Turner, Sr. - Respondent's motion to strike (10/17), Complainant's response to Respondent's motion to strike (10/21)
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- 91-153 Clyde R. Dace - Respondents' motion for leave to file Affidavit (10/10)
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- 91-157 The Grigoleit Company - Respondent's motion to file Instanter Respondent's motion to dismiss and strike and motion to file Brief in excess of fifteen pages (10/8), Complainant's objections to Respondent's motion to dismiss and strike and motion to file brief in excess of 15 pages (10/10)(JA)
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- 91-158) Commonwealth Edison Company - Petitioner's motion to
91-179) consolidate proceedings (10/4)(JCM)
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- 91-178) Commonwealth Edison Company - Petitioner's motion to
91-180) consolidate proceedings (10/4)(JCM)
-
- 91-161 Riverside Laboratories - Objection (10/15)
-
- 91-171 Monsanto Company - Petitioner's motion to dismiss
petition (10/16)
-
- 91-176 M & D Flexographic Printers - Agency motion to extend
time in which to file Agency Recommendation (10/10)
-

MOTIONS: (Cont'd)

R88-8 Census of Section 21(d) Facilities - Agency response to Board's request for additional information (10/15), Comments of the Department of Energy and Natural Resources (10/16)(JA)

R91-9 DMI, Inc. - Petitioner's motion for expedited rulemaking (10/21)(MN)

R91-22 PM₁₀ Emission Limits - Agency motion to amend Proposal (10/22)(JTM)

ADJUSTED STANDARDS MOTIONS:

91-1 Petition of Keystone Steel - Agency motion for leave to file Instanter (10/21)(JA)

DISCUSSIONS:

90-59 Michael L. Christianson (MN)

REGULATORY DISCUSSIONS:

R89-5 Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order (RCF)

R89-14 Groundwater Quality Standards, Adopted Rule, Final Order, Opinion and Order (RCF)
(B)

R89-17 California Motor Vehicle Standards (JTM)
(C)

R90-20 Diesel Vehicle Exhaust Opacity Limits, Proposed Rule, Second Notice, Opinion and Order (JD)

ADDITIONAL DISCUSSION:

Opening of Reserved Dockets and Potential Inquiry Hearings Implementing Clean Air Act Requirements

AMENDED PETITIONS:

- 91-139 R. Lavin & Sons (filed 9/23) (See also Agency Memorandum in response to August 22, 1991 Board Order filed 9/24) and Petitioner's response to Agency motion for summary judgment filed 10/7) _____
- 91-149 Minnesota Mining (filed 10/21) _____
- 91-173 Marathon Oil Company (filed 10/18) _____
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NEW CASES:

- 91-136 Don Bolander v. Monticello Bus Service, Wayne Kruger, President _____
- 91-152 Envirite Corporation v. EPA and Peoria Disposal Company (See Peoria Disposal Company's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment and supporting Memorandum of law filed 9/10; Agency Motion to Dismiss or in the Alternative Motion for Summary Judgment filed 9/24 and Complainant's Consolidated Response and Cross Motion for Summary Judgment and Memorandum in Support of Cross Motion for Summary Judgment and In Opposition to Respondents' Motions filed 10/7) (MN) _____
- 91-172 John Plosila v. Bandito Barney's, First American Bank (Wallace Trust No. 89-008) and Thom McNamee (See also Respondent's motion to dismiss filed 9/26) (JCM) _____
- 91-183 Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar, First Bank & Trust Company (See response to complaint by R. Kipp Kreitzer, President of First Bank & Trust Company filed 10/16 and response to complaint by Frank Farrar filed 10/17) _____
- 91-194 Residents of Cedarville v. Village of Cedarville (See also Respondent's response to and petition to reject Formal Complaint filed 10/23) _____
- 91-195 Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc. _____
- 91-196 Safety-Kleen Corporation (Chicago Recycle Center) v. EPA (BF) _____

NEW CASES: (Cont'd)

- 91-197 Cabot Corporation (Tuscola Facility) v. EPA
-
- 91-198 Enterprise Leasing (Chicago) v. EPA
-
- 91-199 Commonwealth Edison Company (Byron Nuclear Power Station) v. EPA (BF)
-
- R91-27 The requirements for regulating volatile organic material emissions from sources with the potential to emit more than 25 tons per year of organic material, but which are not already regulated
-
- R91-28 RACT - Geographical Expansion for the Chicago CMSA
-
- R91-29 RACT - Geographical Expansion for St. Louis MSA
-
- R91-30 Stage II Vapor Recovery for Chicago and St. Louis Area
-
- R91-31 Employee Trip Reduction Program
-
- R91-32 Granite City SO₂ Emission Limits
-
- R91-33 Alton SO₂ Emission Limits
-
- R91-34 Southeast Chicago SO₂ Emission Limits
-
- R91-35 PM₁₀ Ambient Limits
-
- R91-36 Episode Regulations for PM₁₀
-

NEW AC CASES:

- 91-46 Ivan Ping
-

AC APPEALS:

91-45 Rochelle Disposal Services _____

MINUTES:

October 10, 1991 _____

PENDING CASES ASSIGNED:

85-140 Citizens Utilities Company (MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-1 City of Peru CSO (JTM)
 86-2 City of LaSalle CSO (JTM)
 86-3 City of Oglesby CSO (JA)
 86-4 City of Morris CSO (JD)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JCM)
 88-98 IBP, Inc. (Appellate Court Remand)(BF)
 * 88-193 General Motors (BF)(open waiver)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 * 89-171 Pekin Energy Company (JD)(open waiver)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AC 89-224 John Vander (MN)(Appellate Court Remand)
 AS 90-8 Olin Corporation (JA)
 AC 90-26(B) ESG Watts (JCM)
 90-60 Allied Hastings Barrel & Drum Company (JCM)
 AC 90-91(B) Bernard Leitschuh (BF)
 90-135 The Grigoleit Company (BF)
 * 90-136 Walter J. and Marlene J. Maquet (BF)(open waiver)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (MN)
 90-149 Straders Logging and Lumber Mill (MN)
 * 90-168 Williamson Adhesives (BF)(open waiver)
 90-200 Vito Zivoli (JCM)
 * 90-227 DMI, Inc. (RCF)(open waiver)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-29 Commonwealth Edison (RCF)(open waiver)
 91-30 Susan Curtis & Marcy Diesing (JCM)
 91-48 Wonder View Improvement Assn. (RCF)
 * 91-75 Community Consol. School Dist. No. 15 (BF)(open waiver)
 * 91-80 Paul Rosman (JD)(due 12/19)
 * 91-83 Indian Refining Limited Partnership (MN)(due 1/9)
 * 91-86 Raymond D. and Mary Moore (JA)(due 1/9)
 * 91-108 Israel-Gerold's (JTM)(due 2/6)
 * 91-109 North Suburban Development (JA)(due 11/21)
 * 91-113 Dept. of the Army (BF)(due 1/9)
 * 91-119 White County Board (JD)(due 12/19)
 * 91-120 Beer Motors (JTM)(due 1/23)
 * 91-121 Village of Channahon (JA)(due 1/23)
 * 91-126 City of Knoxville (JCM)(due 1/23)
 91-129 City of Bloomington (JCM)
 * 91-133 Lawrence Cadillac (JCM)(due 12/19)
 * 91-135 Village of Bloomingdale (JTM)(due 11/21)
 * 91-138 Kronon Motor Sales (RCF)(2/27)
 91-142 Broadwell Grain Elevator (JCM)
 91-152 Envirite Corporation (MN)

PENDING CASES ASSIGNED: (Cont'd)

- 91-157 The Grigoleit Company (JA)
- * 91-163 Clinton County Oil Company (MN)(due 12/19)
- * 91-190 State Bank of Whittington (RCF)(open waiver)
- * 91-191 Grand Soo, Inc. (JTM)(due 2/6)