

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 7, 1991 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #AC 90-26(B), ESG Watts, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-140, People of the State of Illinois v. G & K Investments, Inc., Gary Cross, and Kevin Leesman, by a vote of 6-1. J. Dumelle dissented and J. Theodore Meyer concurred. (BF)

In R89-14(B), Groundwater Quality Standards, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. J. Dumelle concurred. (RCF)

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

In R90-24, Recycled Paper, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R91-19, Potentially Infectious Medical Waste (PIMW): Etiologic Agents, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (RCF)

Agency motion to withdraw the complaint was granted in #AC 89-67, Merle Buerkett, by a vote of 7-0. (JCM)

Agency motion to withdraw the Administrative Citation was granted in #AC 90-47, ESG Watts, by a vote of 7-0. (JCM)

Petitioner's motion for consent and extension of time was granted in #86-4, City of Morris CSO, by a vote of 7-0. (JD)

By a vote of 7-0, Petitioner's motion for a Board decision in #87-131, Amerock Corporation, was granted and Petitioner was advised that the case will be decided as expeditiously as possible, consistent with the Board's workload and resources. (JTM)

By a vote of 7-0, Complainant's motion for an extension of time to file a settlement agreement in #90-60, Allied-Hastings Barrel and Drum Service, was granted until November 19, 1991, and if the parties fail to file the settlement agreement, the Board directed the Hearing Officer to set the matter for hearing on the merits within 30 days of December 1, 1991 and to conclude all such hearings no later than February 1, 1992. (JCM)

An Order accepting Respondent's cross-complaint for hearing,

granting Respondent's motion for leave to file an answer to the complaint, granting the Village of Lake in the Hill's motion to intervene and motion for leave to file a reply, and denying the City of Crystal Lake's motion to strike the reply, was adopted in #91-30, Susan A. Curtis and Marcy Diesing, by a vote of 7-0. (JCM)

By a vote of 7-0, Petitioner's motion for stay of proceedings in #91-84, Indian Refining Limited Partnership, was granted and the parties were ordered to submit a joint status report to be filed with the Clerk of the Board no later than 4:30 p.m. January 6, 1992. (JCM)

Agency motion to file record instanter was granted in #91-86, Raymond and Mary Moore, by a vote of 7-0. (JA)

Petitioner's motion to withdraw was granted in #91-132, Quantum Chemical, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in #91-141, Christian County Landfill, by a vote of 7-0. (BF)

Respondent's motion to file instanter its motion to dismiss and strike and to file its brief in excess of fifteen pages was denied in #91-157, The Grigoleit Company, by a vote of 7-0. (JA)

Agency motion to supplement the agency record in #91-163, Clinton County Oil, was granted by a vote of 7-0. (MN)

Agency motion to file recommendation instanter was granted in #91-173, Marathon Oil Company, by a vote of 7-0. (JA)

Agency motion to file record instanter was granted in #91-174, Enterprise Leasing, by a vote of 7-0. (JA)

By a vote of 6-1, Agency motion to file instanter was granted and because of Petitioner's failure to respond to an October 10, 1991 Board Order, the proceedings in #91-182, George Weber Chevrolet, were dismissed and the Agency's request to file the record instanter is moot. J. Dumelle dissented. (JCM)

By a vote of 7-0, Petitioner's motion for a Board decision was granted and Petitioner was advised that the matter of R87-33, Amerock Corporation Site-Specific Rulemaking, will be decided as expeditiously as possible, consistent with the Board's workload and resources. (JTM)

By a vote of 7-0, Petitioner's motion for expedited decision was granted and Petitioner was advised that the matter of R91-9, DMI, Inc. Site-Specific Rulemaking, will be decided as expeditiously as possible subject to constraints imposed by the Board's

workload and resources. (MN)

Agency motion to co-petition was granted in #AS 91-8, Reynolds Metals Company, by a vote of 7-0. (JCM)

By a vote of 6-1, Agency motion to dispense with the hearing in #91-121, Village of Channahon, was granted and the Board rescinded its August 22, 1991 Order setting the matter for hearing. J. Dumelle dissented. (JA)

These cases were discussed and held to November 21, 1991 for further discussion or possible decision: ##90-59, Michael L. Christianson; 91-29, Commonwealth Edison Company; 91-109, North Suburban Development; 91-135, Village of Bloomingdale.

These regulatory matters were discussed and held to November 21, 1991 for further discussion or possible decision: R89-5, Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order; R89-17(C), California Motor Vehicle Standards, Proposed Rule, Second First Notice, Opinion and Order.

Amended petition #91-118, City of Braidwood, was held for an Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: #91-136, Don Bolander v. Monticello Bus Service, Wayne Kruger, President, accepted for hearing; 91-152, Envirite Corporation v. EPA and Peoria Disposal Company, accepted for hearing and numerous motions will be placed on regular motion agenda; 91-183, Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar, First Bank & Trust Company, ordered held to November 21, 1991 for possible consideration; 91-194, Residents of Cedarville v. Village of Cedarville, Respondent's petition to reject formal complaint denied and complaint accepted for hearing, Order by J.C. Marlin; 91-195, Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc., accepted for hearing; 91-201, RKF Enterprises v. EPA, accepted for hearing, Order by B. Forcade; 91-202, Sherex Chemical Company v. EPA, accepted for hearing, Order by B. Forcade; 91-203, Export Packing Company, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-204, Lewis Brothers Bakeries, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-205, Fred M. Strube and Cynthia L. Strube v. EPA, accepted for hearing, Order by B. Forcade; 91-206, Clayton Chemical Company v. EPA, accepted for hearing, Order by B. Forcade; 91-207, Olin Corporation v. EPA, accepted for hearing and Petitioner's motion for leave to appear pro hac vice granted, Order by B. Forcade; 91-208, Ashland Chemical, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-209, Illinois Department of Transportation - District One v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-210, John Crane, Inc. v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C.

Marlin; 91-211, People of the State of Illinois v. Swift-Eckrich, Inc., Clerk of the Board directed 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, Order by J.C. Marlin; 91-212, O'Brien Tire and Battery Service v. EPA, ordered held to November 21, 1991 for possible consideration.

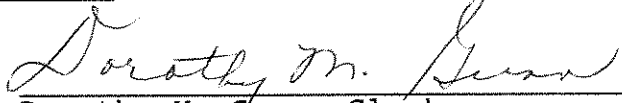
This Administrative Citation was received by the Board and because a Petition for Review was filed, it will be set for hearing: #91-47, Edwin W. Carlson.

Minutes of the October 24, 1991 Board Meeting were approved by a vote of 7-0.

This regulatory matter was discussed and held to November 21, 1991 for further discussion or possible decision: R91-12, USX Corporation RCRA Delisting.

All other matters not disposed of as listed were ordered held to November 21, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of November, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 7, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

91-212 O'Brien Tire and Battery Service v. EPA

REGULATORY DISCUSSION:

R91-12 USX Corporation RCRA Delisting (JA)

ILLINOIS POLLUTION CONTROL BOARD
FINAL ACENDA
NOVEMBER 7, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 90-26 ESG Watts, Inc. (JCM) _____
(B)
- 90-140 People of the State of Illinois v. G & K Investments,
Inc., Gary Cross, and Kevin Leesman (BF) (Stip)

- R87-37 Public Water Supply Cross-Connections, Dismissal Order
(JD) _____
- R89-14 Groundwater Quality Standards, Adopted Rule, Final
(B) Order, Opinion and Order (RCF)

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

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

- R90-24 Recycled Paper, Adopted Rule, Final Order, Opinion and
Order (JTM) _____
- R91-19 Potentially Infectious Medical Waste (PIMW):
Etiological Agents, Proposal for Public Comment,
Proposed Opinion and Order (RCF)

AC MOTIONS:

89-67 Merle Buerkett - Agency motion to withdraw complaint
(11/4)(JCM) _____

90-47 ESG Watts - Agency motion to withdraw Administrative
Citation (10/29) _____

MOTIONS:

86-4 City of Morris - Petitioner's request for consent and
extension of time (10/30)(JD) _____

87-131 Amerock Corporation - Petitioner's motion for Board
decision (10/23)(JTM) _____

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) _____

90-60 Allied-Hastings Barrel - Complainant's motion for
extension of time to file Settlement Agreement
(10/29)(JCM) _____

90-168 Williamson Adhesives - Board Order (BF) _____

90-227 DMI, Inc. - Petitioner's motion for leave to file reply
Instanter (11/4)(RCF) _____

91-7 Land and Lakes - Respondent's motion to reconsider
August 26, 1991 Board Order (9/27), Petitioner's
response to Respondent's motion to reconsider (10/15),
County of Will's motion for leave to file Reply Brief
Instanter and Reply to response to motion to consider
(10/23), Petitioners' response to Will County's motion
for leave to file reply (10/30)(JA) _____

MOTIONS: (Cont'd)

- 91-30 Susan Curtis & Marcy Diesing - City of Crystal Lake's Complaint (7/26), Respondent Material Service's motion for leave to file its answer to the City of Crystal Lake's Complaint, 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), City of Crystal Lake's response to Respondent Material Services's motion for leave to file its Answer and Cross-Complaint (10/23), City of Crystal Lake's motion to strike Village of Lake in the Hill's motion to file a reply to response of City of Crystal Lake's Petition to Intervene (10/25), Complainants' response to Lake in the Hills' motion to file a reply to response of City of Crystal Lake to Petition to Intervene (filed by Hearing Officer on 10/29), City of Crystal Lake's response to Village of Lake in the Hills' Petition to Intervene (10/30), Complainants' response to Village of Lake in the Hills Petition to Intervene (11/5)(JCM)
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- 91-84 Indian Refining - Petitioner's agreed motion for Stay of proceedings (10/24)(JCM)
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- 91-86 Raymond & Mary Moore - Agency motion to file Record Instanter (10/28)(JA)
-
- 91-121 Village of Channahon - agreed motion to dispense with hearing (10/31), Petitioner's waiver of hearing (11/1)(JA)
-
- 91-132 Quantum Chemical - Petitioner's motion to withdraw appeal (10/28)(BF)
-
- 91-141 Christian County Landfill - Petitioner's motion to withdraw (10/31)(BF)
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- 91-146 James W. Turner, Sr. - Respondent's motion for substitution of parties (10/28)(RCF)
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- 91-148 James W. Turner, Sr. - Respondent's motion to declare PCB Regulation 900-102 void as exceeding statutory authority (10/28)(RCF)
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MOTIONS: (Cont'd)

- 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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- 91-163 Clinton County Oil - Agency motion to supplement the Agency Record (10/30)(MN)
-
- 91-173 Marathon Oil Company - Agency motion to file Recommendation Instanter (10/25)
-
- 91-174 Enterprise Leasing - Agency motion to file Record Instanter (10/25)
-
- 91-182 George Weber Chevrolet - Agency motion to file findings and motion to dismiss Instanter (10/25), Agency motion to file Record Instanter (10/28)(JCM)
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- R87-33 Amerock Corporation Site-Specific - Petitioner's motion for Board decision (10/23)(JTM)
-
- R90-1 Toxic Air Contaminants - Illinois Environmental Regulatory Group's motion to sever Subpart D of Second First Notice of proposed rule (11/6)(JCM)
-
- R91-9 DMI, Inc. - Petitioner's motion for expedited rulemaking (10/21)(MN)
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ADJUSTED STANDARDS MOTIONS:

- 91-8 Reynolds Metals Company - Agency motion to co-petition (10/28)
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DISCUSSIONS:

- 90-59 Michael L. Christianson (MN)
-
- 91-29 Commonwealth Edison (RCF)(open waiver)
-
- * 91-109 North Suburban Development (JA)(due 11/21)
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DISCUSSIONS: (Cont'd)

- * 91-135 Village of Bloomingdale (JTM)(due 11/21)
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REGULATORY DISCUSSIONS:

- R89-5 Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order (RCF)
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- R89-17 California Motor Vehicle Standards (JTM)
(C)
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AMENDED PETITIONS:

- 91-118 City of Braidwood (filed 10/28)
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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)
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- 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; response to complaint by Frank Farrar filed 10/17; Complainant's response to Respondent's responses filed 10/25; Respondents' motion for extension of time to file motions to Dismiss and Answer to Complaint Instanter filed 10/31 and Respondent Frank Farrar's motion to be dismissed as a Party Respondent filed 11/1)
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NEW CASES: (Cont'd)

- 91-194 Residents of Cedarville v. Village of Cedarville (See also Respondent's response to and petition to reject Formal Complaint filed 10/23)(JCM)
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- 91-195 Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.
-
- 91-201 RKF Enterprises v. EPA (See also Petitioner's waiver of Agency filed 11/4)(BF)
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- 91-202 Sherex Chemical Company v. EPA (BF)
-
- 91-203 Export Packing Company, Inc. v. EPA (BF)
-
- 91-204 Lewis Brothers Bakeries, Inc. v. EPA (BF)
-
- 91-205 Fred M. Strube and Cynthia L. Strube v. EPA (BF)
-
- 91-206 Clayton Chemical Company v. EPA (BF)
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- 91-207 Olin Corporation v. EPA (See also Petitioner's motion for leave to appear pro hac vice filed 11/4) (BF)
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- 91-208 Ashland Chemical, Inc. v. EPA (BF)
-
- 91-209 Illinois Department of Transportation - District One v. EPA (Provisional Variance)(JCM)
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- 91-210 John Crane, Inc. v. EPA (Provisional Variance)(JCM)
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- 91-211 People of the State of Illinois v. Swift-Eckrich, Inc. (See also agreed motion to request relief from hearing requirement filed 11/5)(JCM)
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NEW AC CASES:

- 91-47 Edwin W. Carlson (See also Respondent's Petition for Review filed 11/6)
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MINUTES:

October 24, 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)
 88-98 IBP, Inc. (Appellate Court Remand)(BF)
 * 88-193 General Motors (BF)(open waiver)
 89-44) Moline Corporation (BF)
 89-87)
 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)
 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)
 91-30 Susan Curtis & Marcy Diesing (JCM)
 AC 91-34 William S. Popejoy (JD)
 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)
 * 91-113 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)
 * 91-138 Kronon Motor Sales (RCF)(2/27)
 91-142 Broadwell Grain Elevator (JCM)
 91-146 James W. Turner, Sr. (RCF)
 91-147 James W. Turner, Sr. (RCF)
 91-148 James W. Turner, Sr. (RCF)
 91-152 Envirite Corporation (MN)
 91-157 The Grigoleit Company (JA)
 * 91-163 Clinton County Oil Company (MN)(due 12/19)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-190 State Bank of Whittington (RCF)(open waiver)
- * 91-191 Grand Soo, Inc. (JTM)(due 2/6)