

**MINUTES OF REGULAR BOARD MEETING  
NOVEMBER 21, 1991 CHICAGO, ILLINOIS**

All Board Members were present save Mrs. Anderson who was absent due to family illness.

An Interim Opinion and Order was adopted in #90-59, Michael L. Christianson, by a vote of 6-0. (MN)

An Opinion and Order was adopted in #91-29, Commonwealth Edison Company, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #91-135, Village of Bloomingdale, by a vote of 5-1. B. Forcade dissented. (JTM)

An Opinion and Order was adopted in #91-142, Broadwell Grain Elevator, Inc., by a vote of 4-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #91-151, People of the State of Illinois v. United States Department of the Navy, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

In R89-17(C), California Motor Vehicle Standards, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 5-1. R.C. Flemal dissented. (JTM)

In R91-5, Pretreatment Update, USEPA Regulations, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 6-0. (JCM)

In R91-23, Marathon Oil Site-Specific, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 6-0. (MN)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##91-43, Fred Massat; 91-44, Vance Eaton; 91-46, Ivan Ping.

Petitioner's emergency motion for stay of hearing was denied and amicus curiae the 35th District Environmental Task Force's motion for leave to file its response to Petitioner's motion instantner was granted in #89-177, CWM Chemical Services, by a vote of 6-0. (JTM)

Respondent's motion for leave to file response was granted in #90-108, Joseph and Pamela Stratton, by a vote of 6-0. (JCM)

Petitioner's motion to dismiss was granted in #90-141, FIW, Inc., by a vote of 6-0. (BF)

By a vote of 6-0, the Agency was granted summary judgment in #90-

168, Williamson Adhesives. (BF)

An Order directing the Petitioner to file an amended petition within 14 days of the date of the entry of the Order was adopted in #91-119, White County Board, by a vote of 6-0. (JCM)

An Order granting the Agency's motion to amend its recommendation to correct clerical errors, and Petitioner's motion for expedited decision subject to constraints imposed by the Board's workload and resources, was adopted in #91-121, Village of Channahon, by a vote of 5-1. J. Dumelle dissented. (JTM)

Respondent's motion for substitution of parties in #91-146, James W. Turner, Sr., was handled by the Hearing Officer.

Respondent's motion to declare Pollution Control Board Regulation 900-102 void as exceeding statutory authority will be taken with the case-in-chief in #91-148, James Turner, Sr.

Agency motion for extension of time in which to file its recommendation was granted until December 13, 1991 in #91-149, Minnesota Mining and Manufacturing Company, by a vote of 6-0. (JCM)

Agency motion to extend the time in which to file the Agency's recommendation in #91-162, Minnesota Mining and Manufacturing Company, was referred to the Hearing Officer for disposition.

Respondent's motion for extension of time in which to file an answer to the complaint was granted until December 9, 1991 in #91-192, Prairie Material Sales, by a vote of 6-0. (BF)

Agency motion to file record instanter was granted in #91-197, Cabot Corporation, by a vote of 6-0. (JCM)

Agency motion to file record instanter was granted in #91-198, Enterprise Leasing Company, by a vote of 6-0. (JCM)

By a vote of 5-1, an Order was adopted pursuant to the Illinois Environmental Regulatory Group's motion to sever Subpart D of the second first notice proposed rules in R90-1(A) and R90-1(C), Toxic Air Contaminants List. J. Dumelle dissented. (JCM)

By a vote of 5-1, the Board, on its own motion severed the toxic air contaminant identification requirements for emission sources from Docket A of the second notice proposed rules and placed them in subdocket R90-1(C), Toxic Air Contaminants List. J. Dumelle dissented. (JCM)

Agency motion to file recommendation instanter and response was granted, and Petitioner's petition for an adjusted standard was

accepted for hearing in #AS 91-6, Dart Container Corporation, by a vote of 6-0. (JCM)

Respondent's motion to dismiss the complaint was denied in #91-136, Don Bolander, by a vote of 6-0. (JCM)

These cases were discussed and held to December 5, 1991 for further discussion or possible decision: ##87-131, Amerock Corporation; 90-227, DMI, Inc.; 90-136, Walter and Marlene Maquet.

These regulatory matters were discussed and held to December 5, 1991 for further discussion or possible decision: R87-33, Amerock Corporation; R89-5, Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order; R91-12, USX Corporation RCRA Delisting.

By a vote of 6-0, this amended petition was ordered held to December 5, 1991 for possible consideration: ##86-1, City of Peru CSO.

In new cases these actions were taken by a vote of 6-0: ##91-183, Thomas J. and Barbara A. Sneed v. Frank Farrar, First Bank and Trust Company, Respondents' motion to dismiss was denied and the matter will be assigned to a Hearing Officer, who will contact the parties to set a hearing date, Order by J.C. Marlin; 91-212, O'Brien Tire and Battery Service v. EPA, Clerk's Office directed to provide Petitioner with a copy of the procedural rules, and if Petitioner wishes to pursue this matter, an amended petition should be filed along with the \$75.00 filing fee within 30 days of the date of this Order, and if Petitioner wishes to respond to the agency's motion to dismiss, that response also must be filed within 30 days of the date of this Order, Order by B. Forcade.

By a vote of 5-0, new case #91-213, First Busey Trust & Investment Company, as Trustee of the Anne Laycock Trust v. EPA, was accepted for hearing. J.C. Marlin abstained. (BF)

In other new cases these actions were taken by a vote of 6-0: ##91-214, North Oak Chrysler Plymouth v. Amoco Oil Company, held for duplicitous/frivolous determination; 91-215, Land and Lakes Company (Willow Ranch Facility) v. EPA, additional information requested, Order by B. Forcade; 91-216, Land and Lakes Company (#1 and #2) v. EPA, additional information requested, Order by B. Forcade; 91-217, Land and Lakes Company (Wheeling Facility) v. EPA, additional information requested, Order by B. Forcade; 91-218, Land and Lakes Company (Dolton Facility) v. EPA, additional information requested, Order by B. Forcade; 91-219, General Motors Corporation, Central Foundry Division v. EPA, accepted for hearing, Order by B. Forcade; 91-220, Waste Management of Illinois, Inc. (Laraway Facility) v. EPA, accepted

for hearing, Order by B. Forcade; 91-221, Manito/Waddell Airport v. EPA, accepted for hearing, Order by B. Forcade; 91-222, Ronk Electrical Industries, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-223, Waste Hauling, Inc. v. Macon County Board, accepted for hearing, Order by B. Forcade; 5027 Corporation v. City of Moline, accepted for hearing, Order by B. Forcade; 91-225, People of the State of Illinois v. Dart Container Corporation, 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; 91-226, Plastofilm Industries, Inc. v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-227, Lawrence Brothers, Inc. v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-228, All Steel, Inc. v. EPA, additional information requested, Order by B. Forcade; 91-229, Village of Stillman Valley v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin.

This Administrative Citation was received by the Board: #91-48, Dennis Fults.

Minutes of the November 7, 1991 were approved by a vote of 6-0.

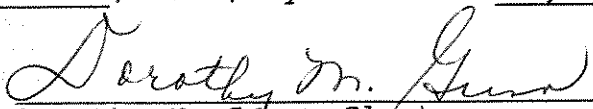
In amended petition #91-207, Olin Corporation, these actions were taken by a vote of 6-0: Petitioner's motion for leave to amend petition and incorporate exhibits was granted and the filing of the amended petition restarted the statutory time period for a decision by the Board. (BF)

In these other new cases these actions were taken by a vote of 6-0: ##91-230, General Motors Corporation v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-231, City of Robinson v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin.

The Board will hold a Special Board Meeting on Wednesday, November 27, 1991. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to December 5, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of December, 1991, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
NOVEMBER 21, 1991 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

NEW CASES:

- 91-230      General Motors Corporation v. EPA (Provisional  
Variance)(JCM)\_\_\_\_\_
- 91-231      City of Robinson v. EPA (Provisional Variance)(JCM)  
\_\_\_\_\_

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
NOVEMBER 21, 1991 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- 90-59 Michael L. Christianson, Interim Opinion and Order (MN)  
\_\_\_\_\_
- \* 91-29 Commonwealth Edison Company (RCF)(open waiver)  
\_\_\_\_\_
- \* 91-109 North Suburban Development (JA)(due 12/5)  
\_\_\_\_\_
- \* 91-135 Village of Bloomingdale (JTM)(due)  
\_\_\_\_\_
- 91-142 Broadwell Grain Elevator, Inc. (JCM) (Stip) \*
- 91-151 People of the State of Illinois v. United States  
Department of the Navy (JCM) (Stip)  
\_\_\_\_\_
- R89-17 California Motor Vehicle Standards, Proposed Rule,  
(C) Second First Notice, Opinion and Order (JTM)  
\_\_\_\_\_
- R90-20 Diesel Vehicle Exhaust Opacity Limits, Proposed Rule,  
Second Notice, Opinion and Order (JD)  
\_\_\_\_\_
- R91-5 Pretreatment Update, USEPA Regulations, Proposal for  
Public Comment, Proposed Opinion and Order (JA)  
\_\_\_\_\_
- R91-23 Marathon Oil Site-Specific, EcIS Determination Order  
(MN) \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

91-43 Fred Massat \_\_\_\_\_  
91-44 Vance Eaton \_\_\_\_\_  
91-46 Ivan Ping \_\_\_\_\_

---

AC MOTIONS:

91-40 Curtis Newlan - Respondent's motion to vacate October 24, 1991 Default Order (See Respondent's letter filed 11/12)(JCM) \_\_\_\_\_

---

MOTIONS:

85-95 Citizens Utilities Company - Petitioner's motion for reconsideration of October 24, 1991 Opinion and Order (11/15)(JA) \_\_\_\_\_

89-177 CWM Chemical Services - Petitioner's emergency motion for stay of hearing (11/7), Respondents' response to Petitioner's emergency motion for stay of hearing (11/8), 35th District Environmental Task Force motion for leave to file instanter its response to Petitioner's emergency motion for stay of hearing (11/8), Petitioner's supplemental memorandum in support of Petitioner's motion to remand (11/12), supplemental response of 35th District Environmental Task Force to Petitioner's emergency motion for stay of hearing (11/13), Respondent's supplemental response to Petitioner's emergency motion for stay of hearing (11/14), response of 35th District Environmental Task Force to Petitioner's motion to remand (11/19), Respondents' motion for leave to file response in opposition to Petitioner's motion to remand for correction of procedural defects instanter (11/20)(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) \_\_\_\_\_

90-108 Joseph & Pamela Stratton - Respondents' motion for leave to file response (11/8)(JCM) \_\_\_\_\_

---

MOTIONS: (Cont'd)

- 90-112 Chicago Heights Refuse Depot - Respondent's motion for reconsideration of October 10, 1991 Board Order (11/8), Respondent's memorandum in support of motion for reconsideration (11/14)(RCF)
- 
- 90-141 FIW, Inc. - Petitioner's motion to dismiss permit appeal (11/7)(BF)
- 
- 90-168 Williamson Adhesives - Board Order (BF)
- 
- 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)
- 
- 91-119 Whit County Board - Board Order (JCM)
- 
- 91-121 Village of Channahon - Agency motion to correct clerical errors and to amend Agency amended variance recommendation (11/12), Petitioner's motion for expedited decision (11/20)(JA)
- 
- 91-136 Don Bolander - Respondent's motion to dismiss the complaint (11/12)
- 
- 91-146 James W. Turner, Sr. - Respondent's motion for substitution of parties (10/28)(RCF)
- 
- 91-148 James W. Turner, Sr. - Respondent's motion to declare PCB Regulation 900-102 void as exceeding statutory authority (10/28)(RCF)
- 
- 91-149 Minnesota Mining & Manufacturing - Agency motion for extension of time in which to file Recommendation (11/18)
-



MOTIONS: (Cont'd)

- 91-152 Envirite Corporation - Peoria Disposal Company's motion to dismiss, or in the alternative, motion for summary judgment and supporting memorandum of law (9/10), Agency motion to dismiss, or in the alternative, motion for summary judgment (9/24), 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 (10/7), Respondents' joint memorandum in opposition to Petitioner's cross-motion for summary judgment (11/12)(MN) \_\_\_\_\_
- 91-156 Gallatin National Company - Petitioner's motion for summary judgment and memorandum in support of its motion for summary judgment (11/15) \_\_\_\_\_
- 91-162 Minnesota Mining & Manufacturing - Agency motion to extend the time in which to file the Agency's recommendation (11/12) \_\_\_\_\_
- 91-192 Prairie Material Sales - Respondent's motion for extension of time in which to file an answer to the complaint (11/7) \_\_\_\_\_
- 91-197 Cabot Corporation - Agency motion to file record instanter (11/14) \_\_\_\_\_
- 91-198 Enterprise Leasing Company - Agency motion to file Record Instanter (11/7) \_\_\_\_\_
- R90-1 Toxic Air Contaminants - Illinois Environmental  
(A & C) Regulatory Group's motion to sever Subpart D of Second First Notice of Proposed Rule (11/6), Illinois Chapter of the Sierra Club response to motion to sever Subpart D of Second First Notice of Proposed Rule (11/13)(JCM) \_\_\_\_\_
- R91-35 PM<sub>10</sub> Ambient Limitations & PM<sub>10</sub> Episode Rules - Agency  
R91-36 motion to consolidate, motion for waiver of requirements, and motion for expedited hearings (11/19) \_\_\_\_\_

ADJUSTED STANDARDS MOTIONS:

- 91-6 Dart Container Corporation - Agency motion to file recommendation instanter and response (11/13) \_\_\_\_\_

DISCUSSIONS:

- \* 87-131 Amerock Corporation (JTM)(open waiver)\_\_\_\_\_
- \* 90-227 DMI, Inc. (RCF)(open waiver)\_\_\_\_\_
- 

REGULATORY DISCUSSIONS:

- R87-33 Amerock Corporation (JTM)\_\_\_\_\_
- R89-5 Groundwater Protection Regulations, Adopted Rule, Final Order, Opinion and Order (RCF)\_\_\_\_\_
- R91-12 USX Corporation RCRA Delisting (JA)
- 

AMENDED PETITIONS:

- 86-1 City of Peru CSO (filed 10/24)(JTM)
- 
- 91-207 Olin Corporation (filed 11/7)(See also Petitioner's motion for leave to amend petition and incorporate exhibits and amended notice for leave to appear filed 11/7)\_\_\_\_\_
- 

NEW CASES:

- 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, motion of Frank Farrar to dismiss formal complaint, motion of First Bank and Trust Company, Cairo, Illinois to dismiss formal complaint and joint answer and affirmative defenses of respondents' Frank Farrar and First Bank and Trust Company, Cairo, Illinois, to formal complaint filed 10/31, Respondent Frank Farrar's motion to be dismissed as a Party Respondent filed 11/1 and Complainants' response to motions filed October 31, 1991 by Holland and Holland on behalf of Respondents' filed 11/12)
-

NEW CASES: (Cont'd)

- 91-212 O'Brien Tire and Battery Service v. EPA (See also Agency motion to dismiss filed 11/19)(BF)  
\_\_\_\_\_
- 91-213 First Busey Trust & Investment Company, as Trustee of the Anne Laycock Trust (BF)  
\_\_\_\_\_
- 91-214 North Oak Chrysler Plymouth v. Amoco Oil Company  
\_\_\_\_\_
- 91-215 Land and Lakes Company (Willow Ranch Facility) v. EPA (BF)  
\_\_\_\_\_
- 91-216 Land and Lakes Company (#1 and #2) v. EPA (BF)  
\_\_\_\_\_
- 91-217 Land and Lakes Company (Wheeling Facility) v. EPA (BF)  
\_\_\_\_\_
- 91-218 Land and Lakes Company (Dolton Facility) v. EPA (BF)  
\_\_\_\_\_
- 91-219 General Motors Corporation, Central Foundry Division v. EPA (BF)  
\_\_\_\_\_
- 91-220 Waste Management of Illinois, Inc. (Laraway Facility) v. EPA (BF)  
\_\_\_\_\_
- 91-221 Manito/Waddell Airport v. EPA (BF)  
\_\_\_\_\_
- 91-222 Ronk Electrical Industries, Inc. v. EPA (BF)  
\_\_\_\_\_
- 91-223 Waste Hauling, Inc. v. Macon County Board (BF)  
\_\_\_\_\_
- 91-224 5027 Corporation v. City of Moline (BF)  
\_\_\_\_\_
- 91-225 People of the State of Illinois v. Dart Container Corporation (See also agreed motion to request relief from hearing requirement filed 11/18)(JCM)  
\_\_\_\_\_
- 91-226 Plastofilm Industries, Inc. v. EPA (Provisional Variance)(JCM)  
\_\_\_\_\_
- 91-227 Lawrence Brothers, Inc. v. EPA (Provisional Variance)(JCM)  
\_\_\_\_\_

NEW CASES: (Cont'd)

91-228 All Steel, Inc. v. EPA \_\_\_\_\_

91-229 Village of Stillman Valley v. EPA (Provisional  
Variance)(JCM) \_\_\_\_\_

---

NEW AC CASES:

91-48 Dennis Fults \_\_\_\_\_

---

MINUTES:

November 7, 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)  
 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)  
 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 (JCM)(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)  
 91-146 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)  
 \* 91-190 State Bank of Whittington (RCF)(open waiver)  
 \* 91-191 Grand Soo, Inc. (JTM)(due 2/6)