

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING JANUARY 23, 1997 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the January 9, 1997 Board Meeting were approved by a vote of 6-0. Chairman Manning abstained.

In R97-13, Emissions Reduction Market Systems Adoption of 35 Ill. Adm. Code 205 and Amendment of 35 Ill. Adm. Code 106, a motion to file pre-filed questions instantler, was disposed of by the hearing officer at the hearing in the matter.

In R97-24, 9% ROP Plan Control Measures for VOM Emissions-Tightening Cold Cleaning Requirements: Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219 Subpart E, a Proposed Rule, First Notice, Order was adopted by a vote of 7-0. **(JTM)**

An Order requesting an amended petition, and directing the attorneys for the petitioner to file a motion to appear pro hoc vice as required by 35 Ill. Adm. Code 101.107(b), was adopted in #AS 97-6, Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standard Relating to Ammonia, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Opinion and Order granting the joint motion requesting relief from the Illinois Environmental Protection Act' hearing requirement and accepting the partial Stipulation and Settlement Agreement in the amount of \$232,800.00, was adopted in #95-163, People of the State of Illinois v. Clark Refining and Marketing, Inc., by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Opinion and Order affirming the decision of the Village of Dolton granting local siting approval for the expansion to Land and Lakes Company's River Bend Prairie facility, vacating November 11, 1996 Order as it relates to the Village of Dolton's motion for costs, and directing the petitioners to pay the costs for the Village of Dolton's expenses related to the costs of preparing and certifying the record below pursuant to Section 39.2(n) of the Illinois Environmental Protection Act, was adopted in #97-68, Senator William Shaw, Ronnie Lewis and Judith Evans v. Board of Trustees of the Village of Dolton, Mayor Donald Hart and Land and Lakes Company, by a vote of 7-0. Board Member M. McFawn concurred. **(JY)**

An Opinion and Order granting the petitioner a variance from 35 Ill. Adm. Code 304.141(a) and 304.120(c) so that it may complete the rehabilitation of its facility subject to conditions, was

An Order granting the petitioner's motion for summary judgment, denying the Agency's cross-motion for summary judgment, and remanding the matter back to the Agency for issuance of petitioner's revised permits consistent with petitioner's application and the order, was adopted in ##97-35, - 36, Illinois Power Company (Units 1 and 2 - Baldwin Power Station) v. IEPA, by a vote of 7-0. **(JY)**

An Order granting the complainants' motion to add the Board of Trustees of the University of Illinois as a respondent, and directing the hearing officer not to set the matter for hearing until after the University has filed a response, was adopted in #97-50, Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois, by a vote of 7-0. **(KMH)**

An Order determining that the complaint was neither duplicitous or frivolous, striking the request for attorneys fees and interest, as accrued, as frivolous, and accepting the matter for hearing, was adopted in #97-100, Farmers State Bank, Pittsfield, Illinois v. Phillips Petroleum Company, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before March 31, 1997, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #97-120, Ingleside Citgo Services, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

ADDENDUM

An Order accepting the matter for hearing, was adopted in #97-97, OK Service Center v. IEPA, by a vote of 7-0. **(CAM)**

An Order sending the matter to hearing due to a letter received from Donna Showalter objecting to the grant of the variance, was adopted in #97-102, Borden Chemicals and Plastics Operating Limited Partnership v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(McF)**

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before March 17, 1997, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #97-122, Shell Oil Company v. IEPA, by a vote of 7-0. **(CAM)**

A provisional variance was granted in #97-123, Illinois Power Company (Baldwin Power Station) v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

AGENDA

These regulatory matters were discussed and held for further discussion or possible decision: R94-34, Landfills, Waste Treatment and Transfer Facilities Located Within 100-year Floodplains, Opinion and Order; R96-16, Exemptions From the Definition of VOM, USEPA Amendments (February 7, 1996; Perchloroethylene), Adopted Rule, Final Order, Opinion and Order; R97-11, Site Remediation Program (Brownfields) 35, Ill. Adm. Code 740, Proposed Rule, First Notice, Opinion and Order; AS 97-1, American River Transportation Company v. IEPA.


This case was discussed and held for further discussion or possible decision: #96-68, Donnetta Gott, Lyndell Chaplain, Gay Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc..

Chairman Manning moved and read a Board Proclamation honoring Sandra Wiley for 25 years of outstanding service to the Board.

Moved and seconded, by a vote of 7-0, the meeting was adjourned by Chairman Manning at 11:16 a.m..

All other matters not disposed of as listed were held.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of February, 1997, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 321-814-3669

GOVERNOR

Honorable Jim Edgar

CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

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DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
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REGULAR BOARD MEETING AGENDA JANUARY 23, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

ADDENDUM

MOTIONS AND OTHER MATTERS

97-84 George Casanave v. Amoco Oil Company and (CAM)
 Ray L. Pearson - Joint Request to Change
UST-E, Respondent's Name in Case Caption (1/21),
Citizens Respondent Amoco Oil Company's Motion to
 Dismiss (1/21)

97-97 OK Service Center v. IEPA - Accept for (CAM)
UST-FRD Hearing Order

97-102 Borden Chemicals and Plastics Operating (McF)
W-V, Limited Partnership v. IEPA - Objection by
NPDES Donna Showalter (1/21)

97-122 Shell Oil Company v. IEPA - Joint Request for (CAM)
UST-FRD, 90-Day Extension of Appeal Period (1/21) -
90-Day Order
Ext.

97-123 Illinois Power Company (Baldwin Power (CAM)
Water Station) v. IEPA - Provisional Variance

97-124 Gurnee/Herb Treder (John's Citgo) v. IEPA - (CAM)
UST- Petitioner's Request for 90-Day Extension of
Appeal, Appeal Period (1/22) - Hold for Agency's
90-Day Notification
Ext.

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AGENDA

JANUARY 23, 1997 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040

10:30 a.m.

Announcements

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.

Roll Call

Minutes

January 9, 1997

REGULATIONS AND ADJUSTED STANDARDS

R97-13 Emissions Reduction Market Systems Adoption of 35 Ill. Adm. Code 205 and Amendment of 35 Ill. Adm. Code 106 - Motion to File Pre-filed Questions Instantly (1/16) (JY)(McF)
R, Air (KMH)

R97-24 9% ROP Plan Control Measures for VOM Emissions-Tightening Cold Cleaning Requirements: Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, Subpart E - (See Motion for Waiver of Requirements filed 1/16) - Proposed Rule, First Notice, Opinion and Order (JTM)
R, Air

AS 97-3 Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - Petitioner's Amended Petition for Adjusted Standard and Motion to Vacate (1/10) (JY)
Land,
RCRA

AS 97-6 Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia - Additional Information Order (CAM)
Water,
NPDES

DECISIONS

95-163 People of the State of Illinois v. Clark Refining and Marketing, Inc. - Stipulation (CAM)
A, W, &
RCRA-E

96-193 W.R. Grace Company-Connecticut v. IEPA (open waiver) (JTM)
A-V

97-68 Senator William Shaw, Ronnie Lewis, and Judith Evans v. Board of Trustees of the Village of Dolton, Illinois, Land and Lakes Company and Mayor Donald Hart - (due 2/5) (JY)
L-S-R, 3rd
Party

97-78 DeKalb Sanitary District v. IEPA (due 2/27) (JY)
W-V,
NPDES

DECISIONS (Cont'd)

97-85 People of the State of Illinois v. East Riverdale Gravel Company (CAM)
M-E Stipulation

97-107 People of the State of Illinois v. Atwood Industries, Inc. - (CAM)
A-E Stipulation

ADMINISTRATIVE CITATIONS

AC 94-28) Sangamon County v. ESG Watts, Inc. - Respondent's Motion for (McF)
AC 94-29) Summary Judgment (1/10)

AC 94-48)

AC 94-49)

AC 94-50)

AC 94-51)

AC 94-52)

AC 94-58)

AC 94-59)

AC 94-60)

AC 94-61)

AC 94-81)

AC 94-82)

AC 94-90)

AC 94-91)

AC 94-95)

AC 95-8)

AC 95-18)

AC 95-21)

AC 95-28)

AC 95-29)

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-22 County of Will v. Citiwaste, Inc. - Respondent's Motion to Dismiss Petition for Review (1/9) (JTM)

AC 97-42 IEPA v. Sharon Tondina - Default Order (CAM)

AC 97-43 County of Jackson v. James Qualls - Default Order (CAM)

MOTIONS AND OTHER MATTERS

95-107 People of the State of Illinois v. American Steel Container Company - Agreed Motion to Request Relief from Hearing Requirement (1/9) (McF)
A-E

96-180 Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc. - Complainant's Motion to Consolidate, Motion for Partial Summary Judgment and Memorandum in Support of Motion for Partial Summary Judgment (12/9), Petitioner's Motion for Leave to File Response in Excess of Page Limits, Response to Motion for Partial Summary Judgment, and Response in Opposition to Motion to Consolidate and Motion for Stay of Decision on Consolidation (1/14) (McF)
W-E
Citizens

96-233 People of the State of Illinois v. ESG Watts, Inc. - Complainant's Motion for Summary Judgment (12/16), Respondent's Motion for Extension of Time to File a Response to Complainant's Motion for Summary Judgment (12/19) (McF)
L&GW-E

96-250 White & Brewer Trucking, Inc. v. IEPA - Agency Motion for Summary Judgment (9/3), Petitioner's Response to Agency's Motion for Summary Judgment (12/6) (KMH)
P-A, Land

MOTIONS AND OTHER MATTERS (Cont'd)

96-264 People of the State of Illinois v. American Waste Processing, Ltd. - Respondent's Motion to Dismiss Complaint for Failure to Comply with Jurisdictional Notice Requirement (11/25), Complainant's Response to Respondent's Motion to Dismiss Complaint for Failure to Comply with Jurisdictional Notice Requirement (12/6), Respondent's Reply to Complainant's Response to Respondent's Motion to Dismiss Complaint for Failure to Comply with Jurisdictional Notice Requirement (12/10), Complainant's Response to Respondent's Reply (12/20) (CAM)
RCRA-E

97-29 Citizens Opposed to Additional Landfills and Harvey Pitt, individually and as a Member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex, a/k/a Gere Properties, Inc., and the Perry County Board of Commissioners - Perry County Board of Commissioners' Motion for Clarification of December 5, 1996 Board Order (1/6) (JY)
L-S-R, 3rd Party

97-35) Illinois Power Company (Units 1 & 2) - Baldwin Power Station) v. IEPA - Petitioner's Motion for Summary Judgment (10/7), Petitioner's Motion for Leave to File Amended Motion for Summary Judgment (12/11), Agency's Cross-Motion for Summary Judgment (12/12), Petitioner's Response to Agency's Cross-Motion for Summary Judgment (12/13), Petitioner's Motion for Leave to File Reply to Agency's Response to Petitioner's Memorandum of Law in Support of Amended Motion for Summary Judgment (12/16), Agency's Response to Petitioner's Memorandum of Law in Support of Amended Motion for Summary Judgment (12/16), Agency's Response to Petitioner's Motion for Leave to Reply to Agency's Response to Petitioner's Memorandum of Law in Support of Amended Motion for Summary Judgment (12/19) (JY)
97-36)
P-A, Air

97-50 Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative, Avi Pandya v. Speedway Wrecking Company - Complainants' Motion to Add a Party (12/31) (KMH)
A-E, Citizens

MOTIONS AND OTHER MATTERS (Cont'd)

97-58 A-V	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Supplemental Information in Response to December 5, 1996 Board Order (12/20), Agency's Motion to Dismiss (12/27), Petitioner's Response to the Agency's Motion to Dismiss (1/21)	(McF)
97-84 UST-E	<u>George Casanave v. Standard Oil Company, Inc., and Ray L. Pearson</u> - Duplicitous/Frivolous Determination	(CAM)
97-93 A-E	<u>People of the State of Illinois v. Ashland, Inc.</u> - Complainant's Motion to Strike Respondent's Affirmative Defenses and Memorandum of law in Support of Complainant's Motion to Strike Respondent's Affirmative Defenses (1/13)	(GTG)
97-94 UST-E, Citizens	<u>Jerry Austman and Theresa Strahm v. Amoco Corporation</u> - Duplicitous/Frivolous Determination	(CAM)
97-99 WWS	<u>Shell Oil Company v. IEPA</u> - Agency's Motion to Dismiss the Petitioner's Petition (12/27), Agency's Motion for Reconsideration (1/6), Petitioner's Response to Agency's Motion to Reconsider and to Dismiss Petition (1/14)	(JY)
97-100 L & W-E	<u>Farmers State Bank, Pittsfield, Illinois v. Phillips Petroleum Company</u> - Duplicitous/Frivolous Determination (See Respondent's Answer and Affirmative Defenses filed 1/3)	(CAM)
97-120 UST-FRD, 90-Day Ext.	<u>Ingleside Citgo Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (1/16) - Order	(CAM)
97-121 RCRA-E, Citizens	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - Hold for Duplicitous/Frivolous Determination	

CASES PENDING DECISION

R94-34 R, Land	<u>Landfills, Waste Treatment and Transfer Facilities Located Within 100-year Floodplains</u> - Opinion and Order	(GTG) (CAM) (McF)
R96-16 Air	<u>Exemptions From the Definition of VOM, USEPA Amendments (February 7, 1996; Perchloroethylene)</u> - Adopted Rule, Final Order, Opinion and Order	(GTG)
R97-11 Land	<u>Site Remediation Program (Brownfields) 35 Ill. Adm. Code 740</u> Proposed Rule, First Notice, Opinion and Order	(KMH) (GTG) (McF)
AS 97-1 Water	<u>American River Transportation Company v. IEPA</u>	(GTG)
96-68 A-E	<u>Donnetta Gott, Lyndell Chaplain, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u>	(KMH)

ADJOURNMENT

LIST OF NEW CASES FILED SINCE JANUARY 9, 1997 BOARD MEETING

R97-24	9% ROP Plan Control Measures for VOM Emissions-Tightening Cold Cleaning Requirements: Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, Subpart E
AS 97-6	Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia
97-120	Ingleside Citgo Services, Inc. v. IEPA
97-121	Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997

February 6
February 20

March 6

April 3
April 17

May 1 *
May 15

June 5
June 19

July 10
July 24

August 7
August 21

September 4
September 18

October 2
October 16 *

November 6
November 20

December 4
December 18

NOTE: All Board Meetings will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		