

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING FEBRUARY 20, 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, and introduced new staff member Toni Morin who is Board Member Ted Meyer's new secretary. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the February 6, 1997 Board Meeting were approved by a vote of 7-0.

In R94-1(B), Triennial Waster Quality review: Amendments to 35 Ill. Adm. Code 302.202, 302.312, 302.213, 304.122 and 304.301, an Adopted Rule, Final Order, Expedited Correction, Opinion and Order was adopted by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)(CAM)**

In R94-34, Landfills, Waste Treatment and Transfer Facilities Located Within 100-year Floodplains, an Order was adopted by a vote of 7-0. **(GTG)(CAM)(McF)**

An Order accepting the petitioner's amended petition for an adjusted standard and granting the petitioner's motion to vacate an October 17, 1996 Board order so far as that order set the matter for hearing, was adopted in #AS 97-3, Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, by a vote of 7-0. **(JY)**

An Interim Opinion and Order was adopted in #96-68, Donnetta Gott, Lyndell Chaplain, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc., by a vote of 6-1. Board Member R.C. Flemal dissented. **(KMH)**

An Opinion and Order accepting the Stipulation and Settlement Agreement, was adopted in #96-69, Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as Owners, by a vote of 7-0. **(JY)**

An Opinion and Order granting the joint motion requesting relief from the Illinois Environmental Protection Act's hearing requiring, and accepting the Stipulation and Settlement Agreement in the amount of \$18,000.00, was adopted in #96-260, People of the State of Illinois v. Pipe and Piling Supplies (U.S.A.), Ltd., by a vote of 7-0. **(GTG)**

An Opinion and Order was adopted in #97-77, Village of Lake Zurich v. IEPA, by a vote of 7-0. **(JTM)**

An Order granting the petitioner's motion to voluntarily dismiss, was adopted in #94-232, Browning-Ferris Industries of Illinois, Inc. v. IEPA, by a vote of 7-0. **(JY)**

The Agency's motion to postpone filing the answer and record in #96-222, Koppers Industries, Inc. v. IEPA, was referred to the hearing officer for disposition.

An Order granting the complainant's motion to reconsider, and upon reconsideration corrected a clerical error in its January 23, 1997 order, and accepting the stipulation and settlement agreement in the amount of \$8,600.00, was adopted in #97-107, People of the State of Illinois v. Atwood Industries, Inc., by a vote of 7-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-112, OK Service Center v. IEPA, by a vote of 7-0. **(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 April 14, 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 #97-126, Land and Lakes Company v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-133, People of the State of Illinois v. Douglas Furniture of California, Inc..

A mandatory hearing will be held in #97-135, People of the State of Illinois v. Champion Environmental Services, Inc..

This case was held for an Agency Recommendation: #97-137, City of Joliet v. IEPA.

ADDENDUM

An Order granting the petitioner's motion to substitute parties, was adopted in #91-207, Olin Corporation (Marion Facility), and United States Department of Interior, Fish and Wildlife Service v. IEPA, by a vote of 7-0. **(CAM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from the hearing requirement, was adopted in #96-201, People of the State of Illinois v. Coalville Road Enterprises, Inc., d/b/a Coalville Road Landfill, f/k/a Streator Area Landfill #2, by a vote of 7-0. **(KMH)**

An Order accepting the matter for hearing, was adopted in #97-104, Continental Waste Industries of Illinois, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-138, People of the State of Illinois v. LeRoy Cech, d/b/a L&K American Wrecking.

An Order accepting the matter for hearing, was adopted in #97-139, Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation, by a vote of 7-0. (CAM)

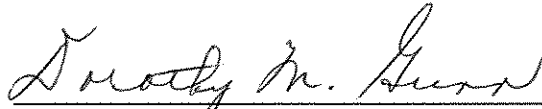
AGENDA

These regulatory matters were discussed and held for further discussion or possible decision: R96-18, Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through 620), Proposed Rule, Second Notice, Opinion and Order; R97-10, Regulation of Petroleum Leaking Underground Storage Tanks 35 Ill. Adm. Code 732, Adopted Rule, Final Order, Opinion and Order; R97-17, Exemptions From the Definition of VOM, USEPA Amendments (July 1, 1996 through December 31, 1996; HFC 43-10mee and HCFC 225ca and cb), Proposal for Public Comment, Proposed Opinion and Order.

All other matters not disposed of as listed were held.

Motioned and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:07 a.m..

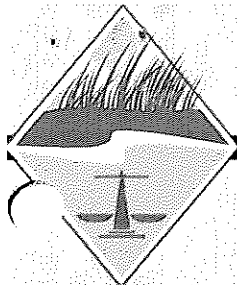
I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of March, 1997, by a vote of 7-0.



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 312-814-3669



GOVERNOR

Honorable Jim Edgar



CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Chicago

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



SPRINGFIELD OFFICE

100 South Second Street
Suite 402
Springfield, IL 62704
217-524-8500
Fax 217-524-8508

SATELLITE OFFICES

110 South State
Jerseyville, IL 62052
618-498-9802
Fax 618-498-5934

148 North Third St.
P.O. Box 505
DeKalb, IL 60115
815-753-1904
Fax 815-753-1970



WEB SITE

<http://www.state.il.us/pcb/>

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REGULAR BOARD MEETING AGENDA FEBRUARY 20, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

REVISED ADDENDUM

MOTIONS AND OTHER MATTERS

91-207 Olin Corporation (Marion Facility), and United States Department of Interior, Fish and Wildlife Service v. IEPA - Petitioner's Motion to Substitute Parties (2/6) (CAM)
P-A,
RCRA

96-201 People of the State of Illinois v. Coalville Road Enterprises, Inc., d/b/a Coalville Road Landfill, f/k/a Streator Area Landfill #2 - Agreed Motion to Request Relief from the Hearing Requirement (2/18) (KMH)
L-E

97-104 Continental Waste Industries of Illinois, Inc. v. IEPA - Accept for Hearing Order (CAM)
P-A

97-138 People of the State of Illinois v. LeRoy Cech, d/b/a L&K American Wrecking - Hearing Mandatory - No Order

97-139 Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation - Accept for Hearing Order (CAM)
L-S-R, 3rd
Party

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AGENDA

FEBRUARY 20, 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

February 6, 1997

REGULATIONS AND ADJUSTED STANDARDS

R94-1(B) R, Water	<u>Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.202, 302.212, 302.213, 304.122 and 304.301 - Adopted Rule, Final Order, Expedited Correction Opinion and Order</u>	(RCF) (CAM)
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R94-34 R, Land	<u>Landfills, Waste Treatment and Transfer Facilities Located Within 100-year Floodplains - Opinion and Order</u>	(GTG) (CAM) (McF)
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AS 97-3 Land, RCRA	<u>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 October 17, 1996 Board Order (1/10)</u>	(JY)
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AS 97-7 Land	<u>Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309 - Hold for Certificate of Publication - No Order</u>	
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DECISIONS

96-68 A-E	<u>Donnetta Gott, Lyndell Chaplain, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u>	(KMH)
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96-69 N-E, Citizens	<u>Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as Owners - Stipulation</u>	(JY)
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96-260 A-E	<u>People of the State of Illinois v. Pipe and Piling Supplies (U.S.A.), Ltd. - Stipulation</u>	(GTG)
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97-77 PWS-V	<u>Village of Lake Zurich v. IEPA (due)</u>	(JTM)
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ADMINISTRATIVE CITATIONS

AC 94-28) Sangamon County v. ESG Watts, Inc. - Respondent's Motion for Summary Judgment (1/10), Complainant's Response to Respondent's Motion for Summary Judgment (2/4), (McF)
AC 94-29) Respondent's Motion to File Reply to Complainant's Response to Respondent's Motion for Summary Judgment and Respondent's Reply to Complainant's Response to Respondent's Motion for Summary Judgment (2/5)
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)

MOTIONS AND OTHER MATTERS

94-232 Browning-Ferris Industries of Illinois, Inc. v. IEPA - Petitioner's Motion to Voluntarily Dismiss (2/6) (JY)
P-A, Land

MOTIONS AND OTHER MATTERS (Cont'd)

96-107 People of the State of Illinois v. ESG Watts, Inc. - (CAM)
A,W & L-E Complainant's Motion to Award Attorney's Fees (1/22),
 Complainant's Motion to Allow Offer of Proof and
 Complainant's Motion to Conform Pleadings (1/23),
 Respondent's Response to Complainant's Motion to Award
 Attorney's Fees (1/30), Respondent's Response to
 Complainant's Motion to Allow Offer of Proof (1/31),
 Respondent's Response to Motion to Conform Pleadings (1/31)

96-180 Environmental Site Developers, Inc. v. White & Brewer (McF)
W-E Trucking, Inc. - Complainant's Motion to Consolidate, Motion
Citizens for Partial Summary Judgment and Memorandum in Support of
 Motion for Partial Summary Judgment (12/9), Respondent'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), Complainant's
 Response to Respondent's Motion for Stay of Decision on
 Consolidation and Motion for Leave to File a Reply Regarding
 Partial Summary Judgment (1/23), Complainant's Motion for
 Leave to File a Reply Regarding Consolidation (1/27)

96-222 Koppers Industries, Inc. v. IEPA - Agency's Motion to Postpone (JTM)
P-A, Filing the Answer and Record (2/6)
NPDES

96-233 People of the State of Illinois v. ESG Watts, Inc. - (McF)
L&GW-E 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)

96-250 White & Brewer Trucking, Inc. v. IEPA - Agency Motion for (KMH)
P-A, Land Summary Judgment (9/3), Petitioner's Response to Agency's
 Motion for Summary Judgment (12/6), Petitioner's Motion to
 Supplement Response to Motion for Summary Judgment (2/6)

MOTIONS AND OTHER MATTERS (Cont'd)

96-265 L, SW, & RCRA-E	<u>Edward M. Pearl v. Eaton Corporation</u> - Respondent's Motion to Dismiss or in the Alternative to Stay the Proceedings (2/7), Respondent Eaton Corporation's Supplemental Exhibit to its Motion to Dismiss or in the Alternative to Stay the Proceedings (2/13), Complainant's Response to Respondent's Motion to Dismiss or in the Alternative to Stay (2/14)	(JY)
97-17 RCRA-E, Citizens	<u>Irma L. Lopez, Jose Martinez, Joel R. Garay and Jose Gonzalez v. Celotex Corporation, Allied-Signal, Inc., and IEPA</u> - Respondent Allied Signal's Status Report in Response to December 19, 1996 Board Order and Renewed Request to Dismiss With Prejudice (see page 2 of pleading)(1/21)	(CAM)
97-84 UST-E	<u>George Casanave v. Amoco Oil Company 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), Respondent's Memorandum of Opposition to Complainant's Motion to Strike Respondent's Affirmative Defenses (1/30)	(GTG)
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)
97-107 EPCRA-E	<u>People of the State of Illinois v. Atwood Industries, Inc.</u> - Complainant's Motion to Reconsider January 23, 1997 Order (2/6)	(CAM)
97-112 UST-Appeal	<u>OK Service Center v. IEPA</u> - Accept for Hearing Order	(CAM)

MOTIONS AND OTHER MATTERS (Cont'd)

97-126 Land and Lakes Company v. IEPA - Petitioner's Request for 90- (CAM)
P-A, 90-Day Day Extension of Appeal Period (1/27), Joint Request for 90-
Ext. Day Extension of Appeal Period (2/6)

97-133 People of the State of Illinois v. Douglas Furniture of California, (JTM)
EPCRA-E Inc. - Hearing Mandatory - No Order

97-134 Dayton Hudson Corporation v. Cardinal Industries, Inc., and (CAM)
RCRA-E Daniel E. Cardinal, Jr. - Hold for Duplicitous/Frivolous
Citizens Determination - No Order

97-135 People of the State of Illinois v. Champion Environmental
A-E Services, Inc. - Hearing Mandatory - No Order

97-136 Edmund and Mary Radkiewicz - Hold for Duplicitous/Frivolous
UST-E, Determination - No Order
Citizens

97-137 City of Joliet v. IEPA - Hold for Agency Recommendation - No
PWS-V Order

CASES PENDING DECISION

R96-18 Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through (RCF)
620) - Proposed Rule, First Notice, Opinion and Order

R97-10 Regulation of Petroleum Leaking Underground Storage Tanks 35 (GTG)
R, Land Ill. Adm. Code 732 - Adopted Rule, Final Order, Opinion and (JTM)
Order (JY)

CASES PENDING DECISION (Cont'd)

R97-17 Exemptions From the Definition of VOM, USEPA Amendments (GTG)
R, Air (July 1, 1996 through December 31, 1996; HFC 43-10mee and
HCFC 225ca and cb), Proposal for Public Comment, Proposed
Opinion and Order

ADJOURNMENT

LIST OF NEW CASES FILED SINCE FEBRUARY 6, 1997 BOARD MEETING

97-133	People of the State of Illinois v. Douglas Furniture of California, Inc.
97-134	Dayton Hudson Corporation v. Cardinal Industries, Inc., and Daniel E. Cardinal, Jr.
97-135	People of the State of Illinois v. Champion Environmental Services, Inc.
97-136	Edmund and Mary Radkiewicz
97-137	City of Joliet v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997

February 20

March 6
March 20

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		