

**MINUTES OF REGULAR BOARD MEETING  
APRIL 26, 1990 CHICAGO, ILLINOIS**

All Board Members were present. Chairman Marlin called the meeting to order and introduced new staff member Dr. LouAnn Burnett who will be assigned to the Board's Scientific/Technical Section.

Board Member R. Flemal presented a draft Opinion in #AC 89-18 (Dockets A & B), J & R Landfill. Thereafter, Board Member Flemal moved for separate votes on Counts A, B, C, and D, which were recorded as follows: Count A: motion to amend by J. Anderson and seconded by J. Dumelle failed by a 3-4 vote with J. Anderson, J. Dumelle and M. Nardulli for it and R. Flemal, B. Forcade, J. Marlin and J. Theodore Meyer against it. Count A was then adopted by a vote of 4-3 with J. Anderson, J. Dumelle and M. Nardulli dissenting; Counts B and D: motion to substitute alternate language by J. Marlin and seconded by J. Dumelle carried by a vote of 4-3 with J. Anderson, J. Dumelle, J. Marlin and M. Nardulli for it and R. Flemal, B. Forcade and J. Theodore Meyer against it; Count C was adopted by a vote of 7-0 with J. Anderson concurring. Thereafter the matter was tabled until May 10, 1990.

An Opinion and Order was adopted in #AC 89-109 (Dockets A & B), Guy Marlin, by a vote of 7-0. J. Dumelle concurred. (JM)

An Opinion and Order was adopted in #89-140, City of Minonk, by a vote of 6-1. J. Dumelle dissented and B. Forcade concurred. (MN)

An Opinion and Order was adopted in #89-187, UNR-ROHN, Inc., by a vote of 7-0. (JA)

An Opinion and Order was adopted in #89-190, Ravenswood Hospital, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #89-191, Calumet Armature Electric, by a vote of 7-0. (MN)

Board Member R. Flemal presented a draft Opinion and Order in #89-210, Metro Utility Company. Motion to amend by J. Dumelle and seconded by B. Forcade failed by a vote of 3-4 with J. Dumelle, B. Forcade and M. Nardulli for it and R. Flemal, J. Anderson, J. Marlin and J. Theodore Meyer against it. The Opinion and Order was then adopted by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and M. Nardulli dissented. (RF)

An Opinion and Order was adopted in #90-3, Calvary Temple Church, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #90-23, Village of Mundelein, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

In R88-19, Roadmaster Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF)

In R88-21(B), Water Toxics, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. J. Anderson concurred. (RF)

In R89-19, UST State Fund Regulatory Mandate, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R90-1, Air Toxics, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JM)

In R90-9, Used and Waste Tire Regulation, a Proposed Rule, First Notice, Order was adopted by a vote of 7-0. (JM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #90-20, Arnold Spirtas.

By a vote of 7-0, Agency motion to continue Agency response to an April 12, 1990 Board Order in #AC 89-120, William White, was granted until May 7, 1990. (JM)

By a vote of 7-0, Agency motion to continue Agency response to an April 12, 1990 Board Order in #AC 89-170, Donald and Catherine Bouthot, was granted until May 7, 1990. (JM)

An agreed motion to dismiss was granted in ##87-149, -199, -88-9, Quantum Chemical, by a vote of 7-0. (BF)

An agreed motion to dismiss was granted in #87-204, Quantum Chemical, by a vote of 7-0. (BF)

An agreed motion to dismiss was granted in #87-205, Quantum Chemical, by a vote of 7-0. (BF)

An Order dismissing the proceedings in #88-171, William Brainerd, was adopted by a vote of 7-0. (RF)

Petitioner's stipulation to dismiss was granted in #89-181, National Coatings, by a vote of 7-0. (BF)

Agency motion to file Instanter its Recommendation in #89-183, City of Batavia, was granted by a vote of 7-0. (JM)

By a vote of 7-0, the parties were ordered to file individually or jointly a brief status report no later than May 7, 1990, that will address when and how the proceedings in #89-186, Bulk Molding Compounds, will be concluded. (BF)

Petitioner's motion to voluntarily dismiss its permit appeal in #90-32, Multi-County Landfill, was granted by a vote of 7-0. (BF)

By a vote of 7-0, Agency motion to extend time to file the Agency record in #90-40, Waste Management, was granted until May 11, 1990. (JM)

By a vote of 7-0, an Order was adopted pursuant to a joint motion to file a third amended proposal in R88-14, Abbott Laboratories. (JD)

These cases were discussed and held to May 10, 1990 for further discussion or possible decision: ##89-170, Centralia Environmental Services; 90-21, Village of Yorkville.

These regulatory matters were discussed and held to May 10, 1990 for further discussion or possible decision: R88-5(B), Procedural Rule, Adopted Rule, Final Opinion and Order; R88-25, City of Havana, Adopted Rule, Final Order, Opinion and Order.

An Order regarding the statutory decision timeclock was adopted in amended petition #88-188, Shell Oil Company, by a vote of 7-0. (JM)

In new cases these actions were taken by a vote of 7-0: ##90-47, Darrell Williams v. Shell Oil Company (Wood River), accepted for hearing; 90-52, Acme Steel Company v. EPA, accepted for hearing, **Order by B. Forcade**; 90-53, Industrial Fuels and Resources/Illinois, Inc. v. City Council of the City of Harvey, accepted for hearing, **Order by B. Forcade**; 90-54, People of the State of Illinois v. F & F Laboratories, Inc., hearing mandatory; 90-55, People of the State of Illinois v. United American Metals, hearing mandatory; 90-56, People of the State of Illinois v. Plochman, Inc., hearing mandatory; 90-57, People of the State of Illinois v. Lifetime Rooftile Company, hearing mandatory; 90-58, People of the State of Illinois v. Arlington Plating Company, hearing mandatory; 90-59, Michael L. Christianson v. The American Milling Company, **held for Duplicitous/Frivolous Determination**; 90-60, People of the State of Illinois v. Allied Hastings Barrel and Drum Service, Inc., hearing mandatory; 90-61, People of the State of Illinois v. Duraco, Inc., hearing mandatory; 90-62, People of the State of Illinois v. Sure-Tan, Inc., hearing mandatory; 90-63, EPA v. City of East Moline, hearing mandatory; 90-64, EPA v. Jeffrey Kilgus, d/b/a Indian Creek Materials Company, hearing mandatory; 90-65, General Electric Company v. EPA, additional information requested, **Order by J. Marlin**; 90-66,

People of the State of Illinois v. Robinson Farm Service, hearing mandatory; 90-67, People of the State of Illinois v. Allwaste Tank Cleaning, Inc., hearing mandatory; 90-68, People of the State of Illinois v. Oscar Mayer Foods Corporation, hearing mandatory; 90-69, People of the State of Illinois v. Material Service Corporation, hearing mandatory; 90-70, People of the State of Illinois v. Caravelle Wood Products, Inc., hearing mandatory; 90-71, People of the State of Illinois v. Lutheran General Hospital, Inc., d/b/a Lutheran General Hospital-Lincoln Park, hearing mandatory; 90-72, People of the State of Illinois v. Cleveland Corporation, hearing mandatory; 90-73, People of the State of Illinois v. Illinois Cement Company, hearing mandatory; 90-74, Lawrence Brothers, Inc. v. EPA, hearing mandatory; 90-75, Teepak, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-76, Haco, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-77, Haco, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-78, People of the State of Illinois v. Support Terminal Services, Inc., hearing mandatory; 90-79, People of the State of Illinois v. Pioneer Plating Company, Inc., hearing mandatory; 90-80, People of the State of Illinois v. Norbert Plating Company, hearing mandatory; 90-81, People of the State of Illinois v. U.S. Plating Corporation, hearing mandatory; 90-82, O'Brien Cogeneration, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-83, Ensign-Bickford v. EPA, provisional variance granted, Order by J. Marlin; 90-84, People of the State of Illinois v. We-Toast Bread Company, Inc., hearing mandatory.

Because a Petition for Review was received this Administrative Citation will be set for hearing: #90-21, McHenry County Sanitary Landfill.

These Administrative Citations were received by the Board: #90-31, Lee Alexander; 90-32, Mary Williams and Delores Bey; 90-33, LaVerne Thomas; 90-34, Frank Mihelich; 90-35, Leroy Robinson.

Minutes of the April 12, 1990 Board Meeting were approved by a vote of 7-0.

By a vote of 7-0, an Order was adopted in #85-140, Citizens Utilities, pursuant to an Illinois Appellate Court, Third Judicial District remand for a hearing consistent with requirements of the Illinois Environmental Protection Act and Section 105.102(b). (MN)

All other matters not disposed of as listed were ordered held to May 10, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 10<sup>th</sup> day of May, 1990, by a vote of 7-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 26, 1990 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

DISCUSSIONS:

85-140 Citizens Utilities (set for hearing Order upon  
remand to Board by Appellate Court)(MN)

---

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 26, 1990 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

88-71 Allen Barry (BF) \_\_\_\_\_

AC 89-18 J & R Landfill (RF) \_\_\_\_\_  
(A & B)

AC 89-109 Fairview Heights (JM) \_\_\_\_\_  
(A & B)

\* 89-140 City of Minonk (MN)(due 5/10) \_\_\_\_\_

89-187 UNR-ROHN & Robert Penn (JA) \_\_\_\_\_

89-190 Ravenswood Hospital (JA) \_\_\_\_\_

89-191 Calumet Armature Electric (MN) \_\_\_\_\_

\* 89-210 Metro Utility Company (RF)(due) \_\_\_\_\_

\* 90-3 Calvary Temple Church (RF)(due) \_\_\_\_\_

\* 90-23 Village of Mundelein (JA)(due 6/7) \_\_\_\_\_

R88-19 Roadmaster Site-Specific, Adopted Rule, Final Order,  
Opinion & Order (BF) \_\_\_\_\_

R88-21 Water Toxics, Proposed Rule, Second Notice, Opinion and  
(B) Order (RF) \_\_\_\_\_

R88-26 Safe Drinking Water Act, Adopted Rule, Final Order,  
Opinion & Order (JA) \_\_\_\_\_

R89-19 UST State Fund Regulatory Mandate, Adopted Rule, Final  
Order, Opinion & Order (JA) \_\_\_\_\_

R90-1 Air Toxics, Proposed Rule, First Notice, Opinion and  
Order (JM) \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

R90-9 Used & Waste Tire Regulation, Proposed Rule, First  
Notice, Order (JM)

---

AC DECISIONS:

90-20 Arnold Spirtas

---

AC MOTIONS:

89-120 William A. White - Respondent's motion for  
reconsideration of July 27, 1989 Default Order (4/2),  
Respondent's letter (4/23), Agency motion to continue  
Agency response to April 12, 1990 Board Order (4/23)(JM)

---

89-170 Donald & Catherine Bouthot - Respondents motion for  
reconsideration of September 13, 1989 Default Order  
(4/2), Agency motion to continue Agency response to  
April 12, 1990 Board Order (4/23)(JM)

---

MOTIONS:

87-149) Quantum Chemical - agreed motion to dismiss (4/20)(BF)  
87-199)  
88-9)

---

87-204 Quantum Chemical - agreed motion to dismiss (4/20)(BF)

---

87-205 Quantum Chemical - agreed motion to dismiss (4/20)(BF)

---

88-69 Scott AFB - Petitioner's motion for extension of  
variance until April 30, 1990 (4/2), Petitioner's motion  
for extension of variance until July 31, 1990 (4/24),  
Agency response to Petitioner's motions (4/24)(JD)

---

88-151 Citizens Utilities - Petitioner's motion for  
reconsideration of March 8, 1990 Opinion and Order  
(4/10)(JA)

---

88-171 William Brainerd - Dismissal Order (RF)

---

MOTIONS: (Cont'd)

- 88-199 Seegers Grain - Respondent's comment in response to April 12, 1990 Board Order (4/23)(JM)
- 
- 89-19 Daniel & Helen Lorden - Respondent's motion to dismiss Complainant's First Amended Complaint (4/20)
- 
- 89-181 National Coatings - Petitioner's stipulation to dismiss (4/16)
- 
- 89-183 City of Batavia - Agency motion to file Recommendation Instanter (4/19)(JM)
- 
- 89-184 The Grigoleit Company - Petitioner's motion for reconsideration or in the alternative for leave to file an Interlocutory Appeal (4/12), Agency response (4/25)(JM)
- 
- 89-186 Bulk Molding - Board Order for Status Report (BF)
- 
- 90-32 Multi-County Landfill - Petitioner's motion to voluntarily dismiss permit appeal (4/20)(BF)
- 
- 90-37 Nesco Steel Barrel - Respondent's motion to strike Counts I and IV of the Complaint (3/29), Agency response to Respondent's motion to strike (4/9)(JM)
- 
- 90-40 Waste Management - Agency motion to extend time to file record (4/20)(JM)
- 
- 90-45 Minnesota Mining and Manufacturing - Petitioner's motion to supplement petition for variance (4/23)
- 
- R87-35 City of East Moline Site-Specific - Petitioner's motion for reconsideration of March 8, 1990 Opinion and order (4/13), Petitioner's motion to substitute Affidavit of James Huff (4/18)(JA)
-

MOTIONS: (Cont'd)

R88-14 Abbott Laboratories - Agency motion for Hearing Officer Order to produce documentation for cost estimates presented in Exhibits 15, 16, 17, 24, 25 and 27 (3/22), Agency motion for identification of affected facilities (3/22), Agency motion for additional hearing dates (3/22), Petitioner's motion to extend time for responses to various motions (3/30), Petitioner's response to motion for additional hearing dates (4/4), joint motion to file Third Amended Proposed Regulations and request for expedited decision and Statement of Reasons (4/23)(JD) \_\_\_\_\_

---

DISCUSSIONS:

- \* 89-170 Centralia Environmental Services (MN)(due 5/24) \_\_\_\_\_
- \* 90-21 Village of Yorkville (RF)(due 6/7) \_\_\_\_\_
- 

REGULATORY DISCUSSIONS:

R88-5 Procedural Rules, Adopted Rule, Final Opinion and Order (B) (JTM) \_\_\_\_\_

R88-25 City of Havana, Adopted Rule, Final Order, Opinion and Order (MN) \_\_\_\_\_

---

AMENDED PETITIONS:

88-188 Shell Oil Company (filed 4/13) \_\_\_\_\_

---

NEW CASES:

90-47 Darrell Williams v. Shell Oil Company (Wood River)  
(Note: Duplicitous/Frivolous Determination due today) \_\_\_\_\_

90-52 Acme Steel Company v. EPA (BF) \_\_\_\_\_

90-53 Industrial Fuels & Resources/Illinois, Inc. v. City Council of the City of Harvey (BF) \_\_\_\_\_

---

NEW CASES: (Cont'd)

- 90-54 People of the State of Illinois v. F & F Laboratories, Inc. \_\_\_\_\_
- 90-55 People of the State of Illinois v. United American Metals \_\_\_\_\_
- 90-56 People of the State of Illinois v. Plochman, Inc. \_\_\_\_\_
- 90-57 People of the State of Illinois v. Lifetime Rooftile Company \_\_\_\_\_
- 90-58 People of the State of Illinois v. Arlington Plating Company \_\_\_\_\_
- 90-59 Michael L. Christianson v. The American Milling Company \_\_\_\_\_
- 90-60 People of the State of Illinois v. Allied Hastings Barrel & Drum Service, Inc. \_\_\_\_\_
- 90-61 People of the State of Illinois v. Duraco, Inc. \_\_\_\_\_
- 90-62 People of the State of Illinois v. Sure-Tan, Inc. \_\_\_\_\_
- 90-63 EPA v. City of East Moline \_\_\_\_\_
- 90-64 EPA v. Jeffrey Kilgus, d/b/a Indian Creek Materials Company \_\_\_\_\_
- 90-65 General Electric Company v. EPA (JM) \_\_\_\_\_
- 90-66 People of the State of Illinois v. Robinson Farm Service \_\_\_\_\_
- 90-67 People of the State of Illinois v. Allwaste Tank Cleaning, Inc. \_\_\_\_\_
- 90-68 People of the State of Illinois v. Oscar Mayer Foods Corporation \_\_\_\_\_
- 90-69 People of the State of Illinois v. Material Service Corporation \_\_\_\_\_
- 90-70 People of the State of Illinois v. Caravelle Wood Products, Inc. \_\_\_\_\_

**NEW CASES: (Cont'd)**

- 90-71 People of the State of Illinois v. Lutheran General Hospital, Inc. d/b/a Lutheran General Hospital-Lincoln Park \_\_\_\_\_
- 90-72 People of the State of Illinois v. Cleveland Corporation \_\_\_\_\_
- 90-73 People of the State of Illinois v. Illinois Cement Company \_\_\_\_\_
- 90-74 Lawrence Brothers, Inc. v. EPA \_\_\_\_\_
- 90-75 Teepak, Inc. v. EPA (Provisional Variance)(JM) \_\_\_\_\_
- 90-76 Haco, Inc. v. EPA (Provisional Variance)(JM) \_\_\_\_\_
- 90-77 Haco, Inc. v. EPA (Provisional Variance)(JM) \_\_\_\_\_
- 90-78 People of the State of Illinois v. Support Terminal Services, Inc. \_\_\_\_\_
- 90-79 People of the State of Illinois v. Pioneer Plating Company, Inc. \_\_\_\_\_
- 90-80 People of the State of Illinois v. Norbert Plating Company \_\_\_\_\_
- 90-81 People of the State of Illinois v. U.S. Plating Corporation \_\_\_\_\_
- 90-82 O'Brien Cogeneration, Inc. v. EPA \_\_\_\_\_
- 90-83 Ensign-Bickford (Provisional Variance)(JM) \_\_\_\_\_

**AC APPEALS:**

- 90-21 McHenry County Sanitary Landfill \_\_\_\_\_

**NEW AC CASES:**

- 90-31 Lee Alexander \_\_\_\_\_
- 90-32 Mary Williams & Delores Bey \_\_\_\_\_

NEW AC CASES: (Cont'd)

90-33. LaVerne Thomas \_\_\_\_\_

90-34 Frank Mihelich \_\_\_\_\_

90-35 Leroy Robinson \_\_\_\_\_

---

MINUTES:

April 12, 1990 \_\_\_\_\_

PENDING CASES ASSIGNED:

\* 85-95 Citizens Utilities (Remand)(JA)  
\* 85-140 Citizens Utilities (Remand)(MN)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
86-1 City of Peru CSO (JTM)  
86-56 Trilla Steel Drum (Remand)(JD)  
86-161 Elizabeth Street Foundry (JD)  
\* 86-180 The Ceco Corporation (JTM)(open waiver)  
87-89 Cargill (Remand)(JM)  
\* 87-131 Amerock Corporation (JTM)  
87-191 Lefton Iron and Metal (JD)  
87-209 Commonwealth Edison Company (JA)  
AS 88-2 Stepan Company (JM)  
\* 88-25 Modine Manufacturing (JA)(open waiver)  
88-127 Koppers Company (JM)  
\* 88-193 General Motors Corporation (JD)(open waiver)  
\* 88-195 McLean County Disposal (JTM)(open waiver)  
88-199 Seegers Grain (JM)  
AS 89-2 Elizabeth Street Foundry (JD)  
AS 89-3 The Nutrasweet Company (BF)  
AC 89-18 J & R Landfill (RF)  
89-64 Gallagher Blacktop (BF)  
AC 89-109 Fairview Heights (JM)  
\* 89-129 National Environmental Services (BF)(due 7/19)  
AC 89-131 ESG Watts, Inc. (MN)  
89-151 Brian J. Peter (RF)  
AC 89-156 John Gordon (BF)  
89-162 Family Enterprises (MN)  
89-179 Oak Valley Wood Products (MN)  
89-182 Robert & Joan Kvatsak (BF)  
\* 89-183 City of Batavia (JM)(due 7/6)  
89-186 Bulk Molding Compounds (BF)  
89-206 Chicago Steel Container (JD)  
\* 89-213 Illinois Power Company (BF)(due 6/21)  
AC 89-227 Jack Wright (RF)  
AC 89-258 Donald Taylor (BF)  
90-15 Wisconsin Can Company (BF)  
\* 90-41 Village of Elburn (RF)(due 7/19)  
\* 90-43 Town of Cortland (RF)(due 7/19)  
90-54 F & F Laboratories (MN)  
90-55 United American Metals (JM)  
90-56 Plochman, Inc. (MN)  
90-57 Lifetime Rooftile Company (MN)  
90-58 Arlington Plating Company (MN)