

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
FEBRUARY 22, 1990 CHICAGO, ILLINOIS

All Board Members were present. After calling the meeting to order, Chairman Marlin introduced the following new staff members: Marie Tipsord, who comes to the Board from JCAR, will be assigned to the Board's Federal Unit and Deborah Stonich, who comes to the Board from the Environmental Protection Agency, will serve as Board Member J. Anderson's Assistant.

In R87-36, Modine Site-Specific, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (RF)

In R88-25, City of Havana CSO, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (MN)

In R89-20, Pretreatment Regulations Corrections, an Order closing the docket was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations: ##89-305, Edward and Janet Jones; 90-1, Wayne Carter; 90-2, Harris Equipment Corporation; 90-3, Bud Ingledue; 90-4, Bob Carnahan; 90-5, Daniel Wiegel; 90-6, Wilbur Clair; 90-7, Roger Smith; 90-9, John Donovan; 90-10, Everett Allen; 90-11, Gordon Lee; 90-12, John Donovan; 90-13, Anthony Jones.

Agency motion to withdraw the complaint and dismiss the action was granted without prejudice in #AC 89-198, General Iron Industries, by a vote of 7-0. (JD)

Agency motion to vacate a January 11, 1990 Default Order and withdraw the complaint was granted in #AC 89-266, Darco, Inc., by a vote of 7-0. (JM)

Respondent's motion to reconsider and vacate a January 25, 1990 Default Order was denied in #AC 89-276, Rockford Speedway, by a vote of 7-0. (JM)

By a vote of 7-0, an Agency motion to amend the complaint on its face instanter was granted in #AC 89-306, Walter Rockamann, and unless the Respondent moves to dismiss its Petition for Review and remits the civil penalty, the matter will proceed to hearing. (JM)

An Order closing the dockets and relinquishing jurisdiction to the authority vested in the Abandoned Mined Lands Reclamation Council under the Abandoned Mined Lands and Water Reclamation Act, was adopted in #72-63, -153, Truax-Traer Coal Company and Consolidation Coal Company, by a vote of 7-0. (JM)

Petitioner's motion for dismissal was granted in #88-149, Cablec Corporation, by a vote of 7-0. (BF)

An Order accepting the name substitution (from Gallagher Blacktop to Gallagher Asphalt) unless objected to by the Complainant, and granting Respondent's motion for an extension of time to April 30, 1990, to comply with a January 11, 1990 Interim Opinion and Order was adopted in #89-64, Gallagher Asphalt, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

Petitioner's motion to withdraw as counsel filed by Gardner, Carton and Douglas was granted in #89-72, Olin Corporation, by a vote of 7-0. (JM)

Agency motion to amend the complaint to correct a misnomer contained in the original complaint was granted in #89-190, Ravenswood Hospital, by a vote of 7-0. (JM)

An Order dismissing the proceedings in #89-202, Laclede Steel, was adopted by a vote of 7-0. (BF)

Petitioner's motion to dismiss was granted in #90-1, Central Illinois Public Service, by a vote of 7-0. (BF)

Petitioner's motion for summary judgment was denied and an Agency motion for leave to file its permit record instanter was granted in #90-8, City of Metropolis, by a vote of 7-0. (JTM)

An Order was adopted pursuant to the Stepan Company's motion to strike and motion for application of Section 28 rulemaking procedures in R89-16, RACT Deficiencies, by a vote of 7-0. (JD)

These cases were discussed and held to March 8, 1990 for further discussion or possible decision: ##88-151, Citizens Utilities; 89-107, City of Geneva.

An Order advising the Petitioner that the Board will dismiss the proceedings in #89-129, National Environmental Services, at its March 8, 1990 Board meeting unless the Petitioner files certain documents by March 6, 1990, was adopted by a vote of 6-1. J. Theodore Meyer dissented. (BF)

These regulatory matters were discussed and held to March 8, 1990 for further discussion or possible decision: R87-34, East Moline Site-Specific; R89-9, RCRA Update, USEPA Regulations (January 1, 1989 through June 30, 1989); R89-16, RACT Deficiencies.

In new cases these actions were taken by a vote of 7-0: ##90-17, People of the State of Illinois v. United States Department of the Navy, hearing mandatory; 90-23, Village of Mundelein v. EPA, held for Agency Recommendation; 90-24, Rock-Ola Manufacturing Corporation v. EPA, accepted for hearing, Order by B. Forcade; 90-25, City of Charleston v. EPA, provisional variance granted, Order by J. Marlin.

An Order accepting the petition and directing the Petitioner, if it has not already done so, to comply with the publication of notice requirement set forth in 35 Ill. Adm. Code 106.711, and directing the Agency to file a response to the petition in accordance with 35 Ill. Adm. Code 106.714, was adopted in AS 90-1, Petition of the City of Jacksonville, by a vote of 7-0.  
(JD)

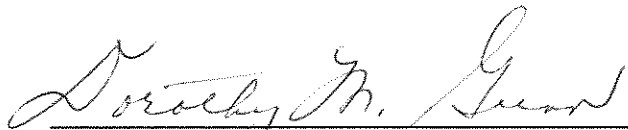
Minutes of the February 8 and February 15, 1990 Board Meetings were approved by a vote of 7-0.

By a vote of 7-0, the Board approved a meeting schedule for FY 91 which will be announced in the Board's Environmental Register.

The Board will hold a special Board Meeting on Thursday, March 1, 1990 at 2:00 p.m. in the Board's conference room to consider the following matters: R88-7, Landfill Regulations, Proposed Rule, Second First Notice, Opinion and Order; R89-10, UST Update, USEPA Regulations (October 27, 1988 through June 30, 1989), Adopted Rule, Final Order. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to March 8, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 8<sup>th</sup> day of March, 1990, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
FEBRUARY 22, 1990 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- R87-36 Modine Site-Specific, Proposed Rule, Second Notice,  
Opinion and Order (RF) \_\_\_\_\_
- R88-7 Landfill Regulations, Proposed Rule, Second First  
Notice, Opinion and Order (JA)  
\_\_\_\_\_
- R88-25 City of Havana CSO, Proposed Rule, Second Notice,  
Proposed Opinion and Order (MN) \_\_\_\_\_
- RES-90-2 RCRA Update, USEPA Regulations (August 1, 1988 through  
R89-1 December 31, 1988), Resolution and Order in reponse to  
JCAR Objection (JA) \_\_\_\_\_
- R89-20 Pretreatment Regulations Corrections, dismissal Order  
(JA) \_\_\_\_\_

AC DECISIONS:

- 89-305 Edward and Janet Jones \_\_\_\_\_
- 90-1 Wayne Carter \_\_\_\_\_
- 90-2 Harris Equipment Corporation \_\_\_\_\_
- 90-3 Bud Ingledue \_\_\_\_\_
- 90-4 Bob Carnahan \_\_\_\_\_
- 90-5 Daniel Wiegel \_\_\_\_\_
- 90-6 Wilbur Clair \_\_\_\_\_
- 90-7 Roger Smith \_\_\_\_\_

**AC DECISIONS: (Cont'd)**

90-9        John Donovan \_\_\_\_\_  
90-10        Everett Allen \_\_\_\_\_  
90-11        Gordon Lee \_\_\_\_\_  
90-12        John Donovan \_\_\_\_\_  
90-13        Anthony Jones \_\_\_\_\_

---

**AC MOTIONS:**

89-198        General Iron Industries - Agency motion to withdraw  
complaint and dismiss action (2/5), Respondent's  
objection to Agency's motion to withdraw complaint and  
dismiss action (2/5), Agency Affidavit in response to  
February 8, 1990 Board Order (2/20), Agency response to  
Respondent's motion to dismiss without leave to  
reinstate (2/20)(JD)  
\_\_\_\_\_

89-266        Darco, Inc. - Agency motion to vacate January 11, 1990  
Default Order and withdraw complaint (2/9)(JM)  
\_\_\_\_\_

89-276        Rockford Speedway - Respondent's motion to reconsider  
and vacate January 25, 1990 Default Order (2/13), Agency  
response to Respondent's motion to vacate January 25,  
1990 Default Order (2/20)(JM)  
\_\_\_\_\_

89-306        Walter Rockamann - Agency motion to amend complaint on  
its face Instantner (2/20)(JM) \_\_\_\_\_

---

**MOTIONS:**

72-63)        Truax Traer Coal - Respondent's motion for clarification  
72-153)        (2/7) \_\_\_\_\_

88-149        Cablec Corporation - Petitioner's motion for dismissal  
of petition for review of Agency action (2/20)  
\_\_\_\_\_

89-63        John Metropulos - motion to withdraw as counsel for  
Complainants (2/20)(Note: Hearing Officer referred  
motion to Board for disposition) \_\_\_\_\_

**MOTIONS: (Cont'd)**

- 89-64 Gallagher Blacktop - Respondent's motion for extension of time to comply with January 11, 1990 Interim Opinion and Order (2/14), Complainant's response (2/21)(BF)
- 
- 89-72 Olin Corporation - Petitioner's motion to withdraw as counsel (2/9)(JM)
- 
- 89-190 Ravenswood Health Enterprises - Agency motion to amend the complaint (2/1)
- 
- 89-202 Laclede Steel - Board dismissal Order (BF)
- 
- 90-1 Central Illinois Public Service - Petitioner's motion to dismiss (2/14)(BF)
- 
- 90-8 City of Metropolis - Petitioner's motion for summary judgment (2/5), Agency response in opposition to Petitioner's motion for summary judgment (2/13), Agency motion for leave to file Permit Record Instantly (2/13)
- 
- R89-16 RACT Deficiencies - Stepan Company's motion to strike and motion for application of Section 28 rulemaking procedures (1/10), Agency response and comment (2/13) (JD)
- 

**DISCUSSIONS:**

- \* 88-151 Citizens Utilities (RF)(due 3/8)
- \* 89-107 City of Geneva (JM)(due 3/22)
- \* 89-129 National Environmental Services (BF)(due 3/22)
- 

**REGULATORY DISCUSSIONS:**

- R87-35 East Moline Site-Specific (JA)
- R89-9 RCRA Update, USEPA Regulations (January 1, 1989 through June 30, 1989), Adopted Rule, Final Order (JA)
- 
- R89-10 UST Update, USEPA Regulations (October 27, 1988 through June 30, 1988), Adopted Rule, Final Order (JA)
-

REGULATORY DISCUSSIONS: (Cont'd)

R89-16 RACT Deficiencies (JD) \_\_\_\_\_

NEW CASES:90-17 People of the State of Illinois v. United States  
Department of the Navy \_\_\_\_\_

90-23 Village of Mundelein v. EPA \_\_\_\_\_

90-24 Rock-Ola Manufacturing Corporation v. EPA  
\_\_\_\_\_90-25 City of Charleston v. EPA (Provisional Variance) (JM)  
\_\_\_\_\_ADJUSTED STANDARDS:90-1 Petition of the City of Jacksonville (See also Motion to  
file a limited number of copies of the Appendices to the  
Petition filed 1/31) \_\_\_\_\_MINUTES:

February 8, 1990 \_\_\_\_\_

February 15, 1990 (Special Board Meeting) \_\_\_\_\_

ADOPTION OF MEETING DATES FOR FY 91:1990July 6, 1990 (Friday)  
July 19, 1990  
August 9, 1990  
August 30, 1990  
September 13, 1990  
September 27, 1990  
October 11, 1990  
October 25, 1990  
November 8, 1990  
November 29, 1990  
December 20, 19901991January 10, 1991  
January 24, 1991  
February 7, 1991  
February 28, 1991  
March 14, 1991  
March 28, 1991  
April 11, 1991  
April 25, 1991  
May 9, 1991  
May 23, 1991  
June 6, 1991  
June 20, 1991

PENDING CASES ASSIGNED:

\* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
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)(open waiver)  
87-139 Browning-Ferris (JD)  
87-191 Lefton Iron & Metal (JD)  
87-209 Commonwealth Edison Company (JA)  
AS 88-2 Stepan Company (JM)  
\* 88-25 Modine Manufacturing (JA)(open waiver)  
88-71 Allen Barry (BF)  
AC 88-76 E & E Hauling (MN)  
88-77  
AC 88-90 James Esarey (JM)  
AC 88-93 City of Herrin (JM)  
88-127 Koppers Company (JM)  
88-173 Village of Lake Zurich (JTM)  
\* 88-195 McLean County Disposal (JTM)(open waiver)  
88-199 Seegers Grain (JM)  
AS 89-2 Elizabeth Street Foundry (JD)  
AC 89-18 J & R Landfill (RF)  
89-53 Lefton Iron & Metal (MN)  
89-64 Gallagher Blacktop (BF)  
\* 89-104 Metropolitan Waste Systems (JD)(due 6/21)  
AC 89-109 Fairview Heights (JA)  
AC 89-131 ESG Watts, Inc. (MN)  
AC 89-138 Dr. John J. Donovan (JM)  
\* 89-140 City of Minonk (MN)(due 5/10)  
89-151 Geneva Meat & Fish Market (RF)  
AC 89-156 John Gordon (BF)  
89-160 P.L. Dillon Limestone (RF)  
89-161 Technical Products (BF)  
89-162 Family Enterprises (MN)  
\* 89-170 Centralia Environmental Services (MN)(due 3/22)  
\* 89-183 City of Batavia (JM)(due 6/21)  
\* 89-188 City of East Moline (JTM)(due 4/26)  
\* 89-210 Metro Utility Company (RF)(due 4/26)  
\* 90-21 United City of the Village of Yorkville (RF)(due 6/7)