

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
MARCH 8, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Order dismissing the proceedings in #87-139, Browning-Ferris Industries, was adopted by a vote of 7-0. (JD)

An Opinion and Order was adopted in ##88-76, -77 (Docket B), E & E Hauling, by a vote of 6-1. J. Anderson dissented. (MN)

In #88-151, Citizens Utilities, Board Member R. Flemal yielded to Board Member J. Anderson who presented an alternative Opinion and Order. The alternative Opinion and Order was then adopted by a vote of 6-1. R. Flemal dissented and Messrs. J. Dumelle, B. Forcade and J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #89-160, P.L. Dillon Limestone, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #89-161, Technical Products, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

In R87-35, East Moline Site-Specific, a Final Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-9, RCRA Update, USEPA Regulations (January 1, 1989 through June 30, 1989), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-12, Pretreatment Update, USEPA Regulations (January 1, 1989 through June 30, 1989), a reason for delay Order was adopted by a vote of 7-0. (JA)

In R90-3, UST Update, USEPA Regulations (July 1, 1989 through December 31, 1989), a Proposal for Public Comment, Opinion and Order was adopted by a vote of 7-0. (JA)

A default Order was adopted in this Administrative Citation by a vote of 7-0: #90-14, W.W. Sanitation.

By a vote of 7-0, the Board on its own motion, adopted a default Order in #AC 89-122, Stryker International. (JM)

By a vote of 7-0, an Order instructing the Agency to file, within ten days, a statement of hearing costs with the Board, supported by affidavit and with service upon the Respondent, was adopted in #AC 89-138 (Docket B), Dr. James Donovan. (JM)

By a vote of 7-0, the Board on its own motion, ordered the respondent in #AC 89-162, Land and Lakes, to inform the Board by

March 29, 1990, of its intent or to file a motion to dismiss its Petition for Review. (JM)

By a vote of 7-0, the Board on its own motion, ordered the respondent in #AC 89-175, Stryker International, to inform the Board by March 29, 1990, of its intent or to file a motion to dismiss its Petition for Review. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-202, James Laurenzana, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-230, Ronald Griffith, was granted by a vote of 7-0. (JM)

Motion to withdraw as additional counsel for the respondent in #AC 89-288, Multi-County Landfill, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-293, Land and Lakes, was granted by a vote of 7-0. (JM)

Respondent's motion to withdraw its Petition for Review in #AC 89-306, Walter Rockamann, was granted by a vote of 7-0. (JM)

By a vote of 7-0, an Order was adopted in #86-1, City of Peru, pursuant to a joint motion to modify an April 1, 1987 Board Order. J. Dumelle concurred. (JTM)

Petitioner's motion to dismiss its petition in #87-201, Monsanto Company, was granted by a vote of 7-0. (BF)

Petitioner's motion for withdrawal of its petition in #88-122, Waste Management, was granted by a vote of 7-0. (BF)

In #89-63, John Metropulos, a motion to withdraw as counsel for complainants was granted and the respondents were requested to provide the Board, on or before March 20, 1990, with any information which they may have concerning whether the subject property is still owned by the petitioners, and whether the petitioners plan to attend the hearing. Also, on or before March 20, 1990, the petitioners were directed to confirm that they will attend the March 23, 1990 hearing scheduled in this matter. Based on any information received, the Board will confirm or cancel the March 23 hearing at its March 22, 1990 meeting. The Clerk was directed to serve the parties with this Order by first class mail as well as certified mail and to provide the objectors with a courtesy copy of this Order by first class mail. The vote was 7-0. (JM)

Petitioner's motion for leave to withdraw its permit appeal in #89-78, Moline Corporation, was granted by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal of its permit appeal in #89-101, A.R.F. Landfill, was granted by a vote of 7-0. (BF)

Petitioner's motion to dismiss its petition in #89-104, Metropolitan Waste Systems, was granted by a vote of 7-0. (JD)

Petitioner's motion to dismiss an Agency motion to reverse a February 23, 1990 Hearing Officer's Order and request for sanctions was denied and an Agency motion for leave to file its interlocutory appeal instanter was granted in #89-184, The Grigoleit Company, by a vote of 7-0. (JTM)(Thereafter, the vote in #89-104, Metropolitan Waste Systems, was reconsidered and Board Member J. Theodore abstained)

Petitioner's motion to file a limited number of copies of the Appendices to its petition for adjusted standard from 35 Ill. Adm. Code 306.305(b), was granted in #AS 90-1, City of Jacksonville, by a vote of 7-0. (JM)

These cases were discussed and held to March 22, 1990 for further discussion or possible decision: #89-151, Geneva Meat and Fish Market; 89-192, Northrop Corporation.

An Order directing the Petitioner to file a response to this Order no later than March 19, 1990, and state its reasons for the delay in filing its brief, why no motion for extension of time has been filed and the date it expects to file its brief was adopted in #89-170, Centralia Environmental Services, by a vote of 7-0. (MN)

These regulatory matters were discussed and held to March 22, 1990 for further discussion or possible decision: R87-34, City of Rock Island Site-Specific; R89-17, California Motor Vehicle Standards.

By a vote of 7-0, an Order was adopted pursuant to Petitioner's motion for expedited consideration and decision in amended petition #89-183, City of Batavia. B. Forcade concurred. (JM)

In amended petition #89-212, City of Braidwood, these actions were taken: Petitioner waived its right to a hearing. Motion by J. Anderson not to go to hearing on the amended petition failed to carry by a 3-4 vote with J. Anderson, R. Flemal and J. Marlin for it and J. Dumelle, B. Forcade, J. Theodore Meyer and M. Nardulli against it. The Board on its own motion scheduled a hearing and specifically requested that the parties provide the Board with the numerical results and dates of all available radiological analyses of Petitioner's water supply and that the parties, particularly the Environmental Protection Agency address the health effects and environmental impacts of this level of combined radium. J. Anderson dissented and B. Forcade will file a Supplemental Statement. (JTM)

Amended petition #89-213, Illinois Power Company, was accepted and the case will be assigned to a Board Member.

In new cases these actions were taken by a vote of 7-0: ##90-26, Morton International, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-27, Shell Oil Company v. EPA, accepted for hearing, Order by B. Forcade; 90-28, USS Steel (South Works), a Division of USX Corporation v. EPA, accepted for hearing, Order by B. Forcade; 90-29, Laclede Steel Company v. EPA, accepted for hearing, Order by B. Forcade; 90-30, Granite City Steel Division of National Steel Corporation v. EPA, accepted for hearing, Order by B. Forcade; 90-30, R. Lavin and Sons v. EPA, accepted for hearing, Order by B. Forcade; 90-32, Multi-County Landfill, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-33, National Steel Corporation, Granite City Division v. EPA, accepted for hearing and motion to appear pro hac vice by Chester Babst III and Steven Faeth granted, Order by B. Forcade; 90-34, Burlington Northern Railroad Company v. EPA, provisional variance granted, Order by J. Marlin; 90-35, Pollution Control Industries of America v. EPA, accepted for hearing, Order by B. Forcade.

Respondent's Petition for Review was denied in #AC 90-7, Roger Smith, by a vote of 7-0. (JM)

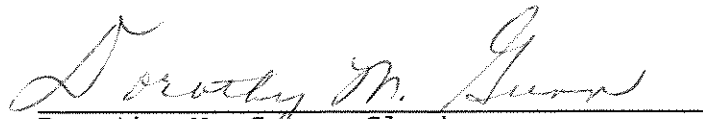
These Administrative Citations were received by the Board: ##90-18, Roger Stunkel; 90-19, Ray Arthur; 90-20, Arnold Spirtas.

Minutes of the February 22 and March 1, 1990 Board Meetings were approved by a vote of 7-0.

The Board will hold a special Board Meeting on Friday, March 16, 1990 at 11:00 a.m. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to March 22, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 22nd day of March, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 8, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 87-139 Browning-Ferris Industries, Dismissal Order (JD)

- 88-76 E & E Hauling (MN) _____
88-77 _____
(B)
- * 88-151 Citizens Utilities (RF)(due) _____
- * 89-107 City of Geneva (JM)(due 3/22) _____
- 89-160 P.L. Dillon Limestone (RF) _____
- 89-161 Technical Products (BF) _____
- R87-35 East Moline Site-Specific, Opinion and Order (JA)

- R89-9 RCRA Update, USEPA Regulations (January 1, 1989 through
June 30, 1989), Adopted Rule, Final Order, Opinion and
Order (JA) _____
- R89-12 Pretreatment Update, USEPA Regulations (January 1, 1989
through June 30, 1989), Order (JA) _____
- R89-16 RACT Deficiencies, Proposed Rule, Second Notice,
Proposed Opinion and Order (JD) _____
- R90-3 UST Update, USEPA Regulations (July 1, 1989 through
December 31, 1989), Proposal for Public Comment, Opinion
and Order (JA) _____

AC DECISIONS:

- 90-14 W.W. Sanitation _____

AC MOTIONS:

- 89-122 Stryker International - Board Order (JM) _____
- 89-138 Dr. John Donovan - Board Order (JM) _____
(B)
- 89-162 Land and Lakes - Board Order (JM) _____
- 89-175 Stryker International - Board Order (JM) _____
- 89-202 James Laurenzana - Agency motion to withdraw complaint
and dismiss action (2/27)(JM) _____
- 89-230 Ronald Griffith - Agency motion to withdraw complaint
and dismiss action (3/5)(JM) _____
- 89-288 Multi-County Landfill - motion to withdraw as additional
counsel for Respondent (3/5)(JM) _____
- 89-293 Land and Lakes - Agency motion to withdraw complaint and
dismiss action (3/5)(JM) _____
- 89-306 Walter Rockamann - Respondent's motion to withdraw
Petition for Review (2/26)(JM) _____
-

MOTIONS:

- 86-1 City of Peru CSO - joint request to modify April 1, 1987
Board Order (2/27)(JTM) _____
- 86-2 City of LaSalle CSO - Petitioner's motion for
clarification of April 1, 1987 Opinion and Order
(3/2)(JTM) _____
- 87-201 Monsanto Company - Petitioner's motion to dismiss
petition (3/1)(BF) _____
- 88-122 Waste Management - Petitioner's motion for withdrawal of
petition (2/28)(BF) _____
- 89-61 Thomas Fredette - Complainant's second motion for
judgment by default (2/26) _____
- 89-63 John Metropulos - motion to withdraw as counsel for
Complainants (2/20)(Note: Hearing Officer referred this
motion to the Board for disposition)(JM) _____
-

MOTIONS: (Cont'd)

- 89-78 Moline Corporation - Petitioner's motion for leave to withdraw Petition for Review (2/26)(BF)
-
- 89-101 A.R.F. Landfill - Petitioner's motion for voluntary dismissal (2/23)(BF)
-
- 89-104 Metropolitan Waste Systems - Petitioner's motion to dismiss petition (3/2)(JD)
-
- 89-129 National Environmental Services - Petitioner's motion for extension of time (2/26), Agency's response to Petitioner's motion for extension of time (3/2)(BF)
-
- 89-184 The Grigoleit Company - Agency motion to reverse Hearing Officer's February 23, 1990 Order (3/1); Petitioner's motion to dismiss Agency motion to reverse Hearing Officer's February 23, 1990 Order (3/2); Petitioner's motion for sanctions for refusal to comply with Hearing Officer Orders (3/2); Petitioner's motion for summary judgment (3/2); Agency Memorandum of Law in support of Agency's motion to reverse the Hearing Officer's February 23, 1990 Order (3/2); Petitioner's Memorandum of Law in support of motion to dismiss Respondent's motion to reverse Hearing Officer's February 23, 1990 Order and request for sanctions (3/5); Petitioner's supplement to motion for sanctions (3/5); Agency response to Petitioner's motion to dismiss Agency's motion to reverse Hearing Officer's February 23, 1990 Order and request for sanctions (3/6); Agency motion for leave to file Interlocutory Appeal Instanter (3/6)
-
- 90-20 Jefferson Smurfit - Petitioner's motion for stay (3/6)
-

ADJUSTED STANDARD MOTIONS:

- 90-1 Petition of City of Jacksonville - Petitioner's motion to file a limited number of copies of the Appendices to the Petition (1/31)
-

DISCUSSIONS:

- 89-151 Geneva Meat & Fish Market (RF)
-

DISCUSSIONS: (Cont'd)

89-170 Centralia Environmental Services (MN)(due 3/22)

89-192 Northrop Corporation (JM) _____

REGULATORY DISCUSSIONS:

R87-34 City of Rock Island Site-Specific, Opinion and Order
(JA) _____

R89-17 California Motor Vehicle Standards, Proposed Rule, First
Notice, Opinion and Order (JTM) _____

AMENDED PETITIONS:

89-183 City of Batavia (filed 2/22)(See also Petitioner's
motion for expedited consideration and decision filed
3/6)(JM) _____

89-212 City of Braidwood (filed 3/1) _____

89-213 Illinois Power (filed 2/22)(See also Agency response to
Amendment to Petition for Extension of Variance and
Motion for Decision Without a Hearing filed 3/2)

NEW CASES:

90-26 Morton International, Inc. v. EPA _____

90-27 Shell Oil Company v. EPA _____

90-28 USS Steel (South Works), a Division of USX Corporation
v. EPA _____

90-29 Laclede Steel Company v. EPA _____

90-30 Granite City Steel Division of National Steel
Corporation v. EPA _____

90-31 R. Lanvin and Sons v. EPA _____

90-32 Multi-County Landfill, Inc. v. EPA _____

NEW CASES: (Cont'd)

- 90-33 National Steel Corporation, Granite City Division v. EPA
(See also motion to appear Pro Hac Vice by Chester Babst
III and Steven Faeth filed 3/7) _____
- 90-34 Burlington Northern Railroad Company v. EPA (Provisional
Variance)(JM) _____
- 90-35 Pollution Control Industries of America v. EPA

-

ADJUSTED STANDARDS:

- 90-2 Shell Oil Company _____
- 90-3 Laclede Steel Company _____
- 90-4 Granite City Steel _____
- 90-5 R. Lavin & Sons, Inc. _____
-

AC APPEALS:

- 90-7 Roger Smith (Note: Default Order entered February 22,
1990) (JM) _____
-

NEW AC CASES:

- 90-18 Roger Stunkel _____
- 90-19 Ray Arthur _____
- 90-20 Arnold Spirtas _____
-

MINUTES:

- February 22, 1990 _____
- March 1, 1990 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

* 85-95 Citizens Utilities (Remand)(JA)
 * 85-140 Citizens Utilities (Remand)(MN)
 * 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)
 87-191 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)
 * 88-195 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 (JM)
 * 89-129 National Environmental Services (BF)(due 7/29)
 AC 89-131 ESG Watts, Inc. (MN)
 AC 89-138 Dr. John J. Donovan (JM)
 * 89-140 City of Minonk (MN)(due 5/10)
 AC 89-156 John Gordon (BF)
 89-162 Family Enterprises (MN)
 * 89-183 City of Batavia (JM)(due 6/21)
 89-186 Bulk Molding Compounds (BF)
 * 89-188 City of East Moline (JTM)(due 4/26)
 89-190 Ravenswood Hospital (JA)
 * 89-210 Metro Utility Company (RF)(due 4/26)
 AC 89-258 Donald Taylor (BF)
 * 90-3 Calvary Temple Church (RF)(due 4/26)
 * 90-21 United City of the Village of Yorkville (RF)(due 6/7)
 * 90-23 Village of Mundelein (JA)(due 6/7)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 8, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

89-170 Centralia Environmental Services - Board Order (MN)
