

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JULY 27, 1989 CHICAGO, ILLINOIS

All Board Members were present save Dr. Flemal who was on vacation.

An Opinion and Order was adopted in #87-183, Container Corporation, by a vote of 6-0. Messrs. B. Forcade and J. Marlin concurred. (JA)

An Order was adopted pursuant to an Agency motion to file Brief Instanter in #88-179, Marathon Petroleum, by a vote of 6-0. (JD)

An Opinion and Order was adopted in #88-179, Marathon Petroleum, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #89-27, LCN Closers, by a vote of 6-0. J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #89-57, Village of Hampshire, by a vote of 5-1. B. Forcade dissented. (MN)

In R87-2, Marathon Petroleum, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 6-0. (BF)

In R89-4, UST Financial Assurance, USEPA Regulations, an Adopted Rule, Final Opinion and Order was adopted by a vote of 6-0. (JA)

In R89-8, Exemptions from the Definition of VOM, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##89-117, Lawrence County Disposal Centre; 89-120, William A. White; 89-123, Land and Lakes; 89-124, Edward Kocher; 89-126, Vernon Keister; 89-127, Gerald Sorenson; 89-128, Sal and Dawn Kruzinski; 89-129, City of Henry; 89-130, H & L Disposal; 89-132, Ray Schroeder.

Complainant's motion to dismiss was granted in #AC 89-19, Caseyville/Nance, by a vote of 6-0. (JM)

Agency motion to vacate a July 13, 1989 Board Order and to dismiss was granted in #AC 89-94, Gus Richardson, by a vote of 6-0. (JM)

Agency motion to dismiss was granted in #AC 89-101, Fuller Brothers, by a vote of 6-0. (JM)

Respondent's motion to correct the Agency's docket number was granted in #AC 89-122, Stryker International, by a vote of 6-0. (JM)

Agency motion to amend the complaint was granted in #AC 89-125, City of Chillicothe, by a vote of 6-0. (JM)

Agency motion to dismiss was granted in #AC 89-135, Charles Williamson, by a vote of 6-0. (JM)

Petitioner's unopposed motion to supplement the record was granted in #88-25, Modine Manufacturing, by a vote of 6-0. (JA)

Agency motion for extension of time for pre-hearing conference was granted until October 1, 1989 in #88-78, Abbott Laboratories, by a vote of 6-0. (JD)

By a vote of 6-0, a Supplemental Opinion and Order was adopted pursuant to Petitioner's motion for clarification or modification of a December 15, 1988 Board Opinion and Order in #88-84, The Nutrasweet Company. (JM)

Petitioner's motion to accept a late filing was granted in #88-191, Testor Corporation, by a vote of 6-0. (JTM)

An Order was adopted pursuant to Petitioner's motion for expedited decision in #89-84, Village of Yorkville, by a vote of 6-0. (JM)

Petitioner's motion to stay the permit conditions in #89-89, Motor Wheel, was granted by a vote of 6-0. (BF)

By a vote of 4-2, Petitioner's motion to incorporate the Common Law Record and Transcript from PCB 87-133 was granted and the Board noted that the 120-day decision timeclock was restarted with the receipt of the statutory filing fee in #89-108, McLean County Disposal. Messrs. J. Dumelle and M. Nardulli dissented. (JTM)

In #89-87, -44, Moline Corporation, a joint motion to consolidate was granted, Respondent's motion for judgment on the pleadings was denied and Respondent's motion to file a reply to Complainant's response to motion for judgement on the pleadings Instanter was granted by a vote of 5-1. J. Anderson dissented. Thereafter, a motion to reconsider the vote by J. Theodore Meyer was granted and the Order was then adopted by a vote of 4-2. J. Anderson and J. Theodore Meyer dissented. (JM)

In R88-25, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (MN)

These cases were discussed and held to August 10, 1989 for further discussion or possible decision: ##85-137, Fred Jurcak; 88-156, -168 Trojan Corporation; 88-203, American National Can;

89-68, American National Can.

Regulatory matter R85-27, Special Waste Categorization, was discussed and the Board decided to hold a special meeting on August 1, 1989 at 11:00 a.m., to consider adoption. The Clerk will post a notice.

Amended petition #89-66, Village of North Aurora, was ordered held for an Agency Recommendation.

In new cases these actions were taken by a vote of 6-0:
##89-116, Motor Oils Refining Company, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 89-117, Waste Management of Illinois, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 89-118, Highland Supply Corporation v. EPA, motion for admission pro hac vice for Joseph G. Nassif granted, accepted for hearing, parties requested to brief whether this matter was filed in a timely manner and Petitioner requested to re-evaluate its confidential claim for certain information, **Order by B. Forcade**; 89-119, Hydro-Line Manufacturing v. EPA, provisional variance granted, **Order by J. Marlin**; 89-120, Lincoln/Eaton Corporation v. EPA, provisional variance granted, **Order by J. Marlin**; R89-9, RCRA Update, USEPA Regulations (January 1, 1989 through June 30, 1989) **Docket Reserved**; R89-10, UST Financial Assurance Regulations (October 27, 1988 through June 30, 1989), **Docket Reserved**; R89-11, UIC Update, USEPA Regulations (January 1, 1989 through June 30, 1989), **Docket Reserved**; R89-12, Pretreatment USEPA Regulations (January 1, 1989 through June 30, 1989), **Docket Reserved**.

An Order was adopted pursuant to Petitioner's motion to accept filing as either a petition for Adjusted Standard or for a Site-Specific Rule in AS 89-3, The Nutrasweet Company and Consumers Illinois Water Company, by a vote of 6-0. (JM)

Since Petitions for Review were filed these Administrative Citations will be set for hearing: ##89-122, Stryker International; 89-131, ESG Watts, Inc.; 89-138, Dr. John Donovan; 89-140, Robert Norris; 89-142, Mike Norris.

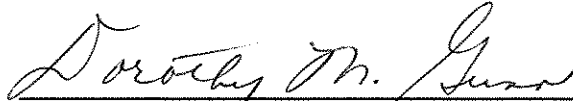
These Administrative Citations were received by the Board: ##89-156, John A. Gordon; 89-157, Andrew J. Kaufman; 89-158, Chicago Heights Refuse Depot, Inc.; 89-159, PDC Services, Inc.; 89-160, DeKalb Sanitary District; 89-161, American Fly Ash Company.

Minutes of the July 13, 1989 Board Meeting were approved by a vote of 6-0.

Pursuant to Board Member J. Dumelle's request, the regular meeting set for September 14 was changed to September 13, 1989 by a vote of 6-0.

All other matters not disposed of as listed were ordered held to August 10, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 10th day of August, 1989 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 27, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 87-183 Container Corporation (JA)(due)_____
- * 88-179 Marathon Petroleum (BF)(due)_____
- * 89-27 LCN Closers (MN)(due)_____
- * 89-57 Village of Hampshire (MN)(due 9/14)_____
- R87-2 Marathon Petroleum, Proposed Rule, Second Notice,
Opinion and Order (BF)_____
- R88-25 City of Havana, Proposed Rule, First Notice, Opinion and
Order (MN)_____
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through
December 31, 1988), Proposal for Public Comment (JA)

- R89-4 UST Financial Assurance Regulations, Adopted Rule, Final
Opinion and Order (JA)_____
- R89-8 Exemptions from the Definition of VOM, Proposal for
Public Comment, Proposed Opinion and Order (JA)

AC DECISIONS:

- 89-117 Lawrence County Disposal Centre_____
- 89-120 William A. White_____
- 89-123 Land & Lakes_____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

89-124 Edward Kocher _____
 89-126 Vernon Keister _____
 89-127 Gerald Sorenson _____
 89-128 Sal & Dawn Kruzinski _____
 89-129 City of Henry _____
 89-130 H & L Disposal _____
 89-132 Ray Schroeder _____

AC MOTIONS:

89-19 Caseyville/Nance - Complainant's motion to dismiss
 (7/21) _____
 89-94 Gus Richardson - Agency motion to vacate July 13, 1989
 Board Order and to dismiss action (7/24) _____
 89-101 Fuller Brothers - Agency motion to dismiss (7/24) _____
 89-122 Stryker International - Respondent's motion to correct
 Agency docket number (7/25) _____
 89-125 City of Chillicothe - Agency motion to amend complaint
 (7/19) _____
 89-135 Charles Williamson - Agency motion to dismiss (7/14) _____

MOTIONS:

88-25 Modine Manufacturing - Petitioner's uopposed motion to
 supplement the record (7/17)(JA) _____
 88-78 Abbott Laboratories - Agency motion for extension of
 time for Pre-hearing conference (6/16), Petitioner's
 response to motion for extension of time (6/28)(Note:
 the Hearing Officer requests guidance from the Board
 regarding this motion) _____

MOTIONS: (Cont'd)

- 88-84 The Nutrasweet Company - Petitioners' motion for clarification or modification of December 15, 1988 Board Opinion and Order (6/20), Agency's response to Petitioner's agreed motion for clarification or modification (7/25)(JM)
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- 88-191 Testor Corporation - Petitioner's motion to accept late filing (7/13), Agency motion to exclude evidence and testimony (7/24)(JTM)
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- 89-44 Moline Corporation - Respondent's motion to impose costs and to bar testimony of kathy and Jeffrey Western (7/19)
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- 89-84 Village of Yorkville - Petitioner's motion for expedited decision (7/17)(JM)
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- 89-87 Moline Corporation - joint motion to consolidate (6/26),
89-44 Respondent's response to motion to consolidate (7/7),
Respondent's motion for judgment on the pleadings with respect to Count IV (7/7), Complainant's response to judgment on the pleadings (7/12), Respondent's motion to file Reply to Complainant's response to motion for judgment on the pleadings Instanter (7/21)
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- 89-89 Motor Wheel - motion to Stay permit conditions (6/20), Agency response to Petitioner's motion to stay permit conditions (6/26)(BF)
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- 89-108 McLean County Disposal - Board Order regarding receipt of statutory filing fee (petition filed 7/7; filing fee received 7/20; See also Petitioner's motion to incorporate Common Law Record and Transcript from PCB 87-133 (7/24)(JTM)
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DISCUSSIONS:

- 85-137 Fred Jurcak (MN)
-
- 88-156) Trojan Corporation (MN)(due 9/14)
- 88-168)
-
- * 88-203 American National Can (MN)(due 8/10)
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- * 89-68 American National Can (JM)(due 8/10)
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REGULATORY DISCUSSIONS:

R85-27 Special Waste Categorization, Proposed Rule, First
Notice (JA) _____

AMENDED PETITIONS:

89-66 Village of North Aurora (filed 7/24) _____

NEW CASES:

89-116 Motor Oils Refining Company, Inc. v. EPA (See also
motion for stay on page 10 of petition and Agency motion
in opposition to stay (7/25))(BF)

89-117 Waste Management of Illinois, Inc. v. EPA (BF)

89-118 Highland Supply Corporation v. EPA (See motion for
admission Pro Hac Vice and Trade Secret Claim Letter)
(BF) _____

89-119 Hydro-Line Manufacturing v. EPA

89-120 Lincoln/Eaton Corporation v. EPA (Provisional Variance)
(JM) _____

R89-9 RCRA Update (January 1, 1989 through June 30, 1989)
(RESERVED)

R89-10 UST Update (October 27, 1988 through June 30, 1989)
(RESERVED)

R89-11 UIC Update (January 1, 1989 through June 30, 1989)
(RESERVED)

R89-12 Pretreatment Update (January 1, 1989 through June 30,
1989) (RESERVED)

ADJUSTED STANDARDS:

89-3 The Nutrasweet Company and Consumers Illinois Water
Company (See also motion to accept filing as either a
petition for Adjusted Standard or for a Site-Specific
Rule (6/30), Agency's response (7/26))

AC APPEALS:

- 89-122 Stryker International _____
 - 89-131 ESG Watts, Inc. _____
 - 89-138 Dr. John Donovan _____
 - 89-140 Robert Norris _____
 - 89-142 Mike Norris _____
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NEW AC CASES:

- 89-156 John A. Gordon _____
 - 89-157 Andrew J. Kaufman _____
 - 89-158 Chicago Heights Refuse Depot, Inc. _____
 - 89-159 PDC Services, Inc. _____
 - 89-160 DeKalb Sanitary District _____
 - 89-161 American Fly Ash Company _____
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MINUTES:

July 13, 1989 _____

POSSIBLE CHANGE IN MEETING DATE:

From September 14 to September 13 (per Mr. Dumelle's request)

PENDING CASES ASSIGNED:

83-55 Alton Packaging (RF)(open waiver)
 * 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 (BF)(open waiver)
 87-89 Cargill (Remand)(JM)
 87-93 Commonwealth Edison (RF)
 * 87-127 City of East Moline (BF)(due 9/28)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-139 Browning-Ferris (JD)
 87-209 Commonwealth Edison Company (JA)
 AS 88-2 Stepan Company(JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 88-36 Mervis Industries (JD)
 AC 88-51 Piolet Brothers (RF)
 * 88-58 Quantum Chemical (BF)(due 1/11)
 88-71 Allen Barry (BF)
 AC 88-76 E & E Hauling (JA)
 AC 88-77 E & E Hauling (JA)
 AC 88-90 James Esarey (JM)
 AC 88-93 City of Herrin (JM)
 88-127 Koppers Company (JD)
 * 88-151 Citizens Utilities (RF)(due 11/15)
 88-172 Allied-Signal (MN)(due 10/18)
 88-173 Village of Lake Zurich (JTM)
 * 88-191 Testor Corporation (JTM)(9/28)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 88-199 Seegers Grain (JM)
 * 89-5 Arco Products (RF)(due 1/25)
 AC 89-10 Jim Landers (MN)
 89-18 Plastics, Inc. (JM)
 89-23 IDOT, Loyola University (RF)
 * 89-25 Can-Am Industries (BF)(due 9/28)
 89-28 Waste Management, Opinion (JD)
 89-29 Village of Fox River Grove (BF)
 * 89-58 Minnesota Mining (JA)(due 8/31)
 89-64 Gallagher Blacktop (BF)
 89-67 B & W Corporation (JM)
 * 89-79 Joliet Army Ammunition Plant (MN)(due 9/14)
 * 89-84 Village of Yorkville (JM)(due 9/14)
 * 89-86 Village of Sauget (RF)(due 9/14)
 * 89-92 Christian County Landfill (JD)(due 9/28)
 * 89-102 Reilly Industries (JA)(due 11/2)
 * 89-104 Metropolitan Waste Systems (JD)(due 10/18)
 * 89-107 City of Geneva (JM)(due 11/2)
 * 89-108 McLean County Disposal (JTM)(due 11/15)