

**MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 13, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #88-127, Peter Arendovich, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented.
(JCM)

In R90-16, Correction to 35 Ill. Adm. Code 102.162, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R90-21, Safe Drinking Water Act Corrections, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #90-62, Leland Tucker; 90-63, Leland Tucker; 90-68, Dale Klohr; 90-69, Everett Allen; 90-71, Everett Allen.

By a vote of 7-0, Respondent's motion to dismiss its petition for review was granted and unless already paid, Respondent was ordered to pay a \$500.00 penalty within 30 days in #AC 89-296, Robert Sanvi. (RF)

By a vote of 7-0, Respondents motion for extension of time was granted and because the Board allowed the Agency and Tazewell County until September 20, 1990 to respond to Respondents motion to dismiss, the Board will also allow the Respondents until October 1, 1990 to respond to the Agency's response to its motion to dismiss in #AC 90-40, Steve Zimmerman. (JA)

Agency motion to withdraw complaint was granted in #AC 90-75, Bruce and Henry Nelch, by a vote of 7-0. (JCM)

By a vote of 6-1, the Petitioner was ordered to file on or before October 4, 1990, a reply to the Agency's response to its motion for reconsideration in #86-3, City of Oglesby. J. Theodore Meyer dissented. (JA)

Respondent's motion to extend time for filing brief in #89-61, Thomas Fredette, was referred to the Hearing Officer for disposition.

Petitioner's motion for rehearing, modification and vacating of Order was denied in #89-129, National Environmental Services, by a vote of 7-0. (BF)

By a vote of 7-0, the parties were ordered to file on or before September 24, 1990, the executed Stipulation and Proposal for Settlement in #89-159, Crown Cork and Seal. (JA)

Petitioner's motion to dismiss with prejudice was granted in #89-175, Olney Sanitary Systems, by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal of its petition in #90-51, LTV Steel Company, was granted by a vote of 7-0. (BF)

Motion to dismiss Herman L. Loeb as a party respondent was granted in #90-89, Fred Johnson et al., by a vote of 6-1. B. Forcade dissented. (JCM)

By a vote of 7-0, the parties were ordered to file on or before September 24, 1990, the executed Stipulation and Proposal for Settlement in #90-92, Lennon Wallpaper Company. (MN)

Respondent's motion to dismiss was denied in #90-140, G & K Investments, by a vote of 7-0. (JCM)

Respondent's motion to dismiss was denied in #90-147, City of Monmouth, by a vote of 7-0. (MN)

In R88-7, Landfill Rules, the Board, on its own motion, adopted an Order to correct a typographical error in its August 17, 1990 Final Order. The vote was 7-0. (JA)

In R89-13(A), DENR Special Waste Categorization, an Order was adopted pursuant to comments filed by the Agency. The vote was 7-0. (JA)

In R90-10, RCRA Update, USEPA Regulations TCLP (January 1, 1990 through March 30, 1990), a clarification Order was adopted by a vote of 7-0. (JA)

By a vote of 7-0, an Order accepting the transferred delisting petition earlier submitted to USEPA, as a petition now to the Board for site-specific delisting rulemaking and requesting additional information from the Petitioner which is to be filed by October 3, 1990, was adopted in R90-18, Petition of USX Corporation for Hazardous Waste Delisting. Additionally, the Clerk of the Board was directed to serve a copy of the July 19, 1990 Proposed Opinion and Order in R90-17 upon Petitioner, and the Agency was invited to submit any comments it may wish to make in this matter by October 3, 1990. (JA)

By a vote of 7-0, an Order accepting the transferred delisting petition earlier submitted to USEPA, as a petition now to the Board for site-specific delisting rulemaking and requesting additional information from the Petitioner which is to be filed by October 3, 1990, was adopted in R90-19, Petition of Woodward Governor Company for Hazardous Waste Delisting. Additionally, the Clerk of the Board was directed to serve a copy of the July 19, 1990 Proposed Opinion and Order in R90-17 upon Petitioner, and the Agency was invited to submit any comments it may wish to

make in this matter by October 3, 1990. (JA)

These cases were discussed and held to September 27, 1990 for further discussion or possible decision: ##87-191, Lefton Iron and Metal; 89-170, Centralia Environmental Services.

These regulatory matters were discussed and held to September 27, 1990 for further discussion or possible decision: R87-31, SO₂ Averaging, Proposed Rule, Second Notice, Proposed Opinion and Order; R89-14, Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order; R89-17, California Motor Vehicle Standards.

In new cases these actions were taken by a vote of 7-0: ##90-167, City of Morris v. EPA, additional information requested, Order by J. Anderson; 90-168, Williamson Adhesives, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-169, FIW, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-170, Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370, held for duplicitous/frivolous determination; 90-171, UOP, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; R90-21, Corrections to Safe Drinking Water Act (SEE DECISIONS).

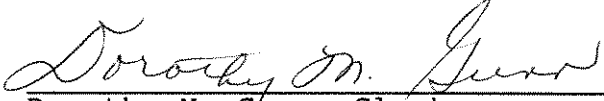
Because a Petition for Review was received, this Administrative Citation will be set for hearing: 90-72, Johnson Blackwell.

These Administrative Citations were received by the Board: ##90-79, Al Springman; 90-80, Everett Allen; 90-81, George Ribble; 90-82, Daniel Van Fleet; 90-83, John Moody and William Walter.

Minutes of the August 9, 17, and 30, 1990 Board Meetings were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to September 27, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 27th day of September, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 13, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 88-127 Peter Arendovich (JCM) _____
- * 90-53 Industrial Fuels (BF)(due) _____
- 90-104 People of the State of Illinois v. L & B Wood
Corporation (MN) (Stip) _____
- R90-16 Correction to 35 Ill. Adm. Code 102.162, Proposed Rule,
Second Notice, Proposed Opinion and Order (JTM)

- R90-23 Safe Drinking Water Act Corrections, Proposal for Public
Comment, Proposed Opinion and Order (JA)

AC DECISIONS:

- 90-62 Leland Tucker _____
- 90-63 Leland Tucker _____
- 90-68 Dale Klohr _____
- 90-69 Everett Allen _____
- 90-71 Everett Allen _____

AC MOTIONS:

- 89-296 Robert Sanvi - Respondent's motion to dismiss Petition
for Review (9/7)(JCM) _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS: (Cont'd)

- 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27),
Respondents motion for extension of time
(9/10)(JCM)
-
- 90-49 Waste Hauling Landfill - Agency motion to amend
Complaint Instanter on its Face (9/11)(JCM)
-
- 90-57 Frank Doan - Complainant's motion for withdrawal of
alleged violation in Administrative Citation (9/7)(JCM)
-
- 90-75 Bruce & Henry Nelch - Agency motion to withdraw
Complaint (9/10)(JCM)
-

MOTIONS:

- 86-3 City of Oglesby - Petitioner's motion for
reconsideration of June 7, 1990 Board Order and Amended
Petition (6/29), Agency's response to Petitioner's
motion for reconsideration (9/6)(JA)
-
- 87-89 Cargill, Inc. - Agency motion for remand (9/7)(JCM)
-
- 89-19 Daniel & Helen Lorden - motions referred to Board in
Hearing Officer Order (9/10), Respondents motion for
judgment (9/11)(MN)
-
- 89-61 Thomas Fredette - Respondent's motion to extend time for
filing Brief (9/11)(JCM)
-
- 89-129 National Environmental Services - Petitioner's motion
for rehearing, modification and vacating of Order
(8/22), Agency response to motion for rehearing,
modification and vacating of Order of the Board
(9/4)(BF)
-
- 89-159 Crown Cork & Seal - Board Order (JA)
-
- 89-175 Olney Sanitary Systems - Petitioners' motion to dismiss
(9/7)(BF)
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MOTIONS: (Cont'd)

- 89-184 Grigoleit Company - Petitioner's motion for sanctions, contempt and other relief (8/13), Respondent's response to motion for sanctions, contempt and other relief (8/27), Petitioner's response to motion to file instanter and motion to strike the Respondent's response to the Petitioner's motion for sanctions, contempt and other relief and request for other relief (9/4), Agency response to Petitioner's motion to strike (9/7)(JA)
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- 89-183 City of Batavia - Petitioner's petition for modification of August 9, 1990 Board Order (9/10)(JTM)
-
- 89-212 City of Braidwood - Petitioner's motion to reconsider (8/27), Hearing Officer response to August 30, 1990 Board Order (9/7), Agency response to Petitioner's motion to reconsider (9/10)(JA)
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- 90-51 LTV Steel Company - Petitioner's motion for voluntary dismissal of permit appeal (9/10)(BF)
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- 90-89 Fred Johnson et al. - Respondent's motion to dismiss (8/1), Affidavit of Herman Loeb in response to August 30, 1990 Board Order (9/10)(JCM)
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- 90-92 Lennon Wallpaper Company - Board Order (MN)
-
- 90-140 G & K Investments - Respondents' motion to dismiss (8/13), Complainant's response to motion to dismiss (8/21)
-
- 90-147 City of Monmouth - Respondent's motion to dismiss (8/16)
-
- R88-7 Landfill Regulations - Corrections Order (JA)
-
- R89-13 IDENR Special Waste Categorization - Board Order (JA)
(A)
-
- R89-16 RACT Deficiencies - Agency motion for corrective rulemaking (9/6)(JD)
-
- R90-10 RCRA TCLP Update - possible post adoption comment (JA)
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MOTIONS: (Cont'd)

R90-18 USX Corporation Delisting - Board Order (JA)

R90-19 Woodward Governor Delisting - Board Order (JA)

DISCUSSIONS:

87-191 Lefton Iron & Metal (JD)

* 89-170 Centralia Environmental Services (MN)

REGULATORY DISCUSSIONS:

R87-31 SO₂ Averaging, Proposed Rule, Second Notice, Proposed Opinion and Order (BF)

R89-14 Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order (RF)

R89-17 Updated and Simplified Application of California Motor Vehicle Standards in Illinois, Proposed Rule, First Notice, Proposed Opinion and Order (JTM)

NEW CASES:

90-167 City of Morris v. EPA

90-168 Williamson Adhesives, Inc. v. EPA

90-169 FIW, Inc. v. EPA (BF)

90-170 Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370 (See also Respondents Motion to Dismiss and Memorandum of Law in Support of Motion to Dismiss 8/31)

90-171 UOP, Inc. v. EPA (Provisional Variance)(JCM)

R90-23 Corrections to Safe Drinking Water Act (JA) (SEE DECISIONS)

AC APPEALS:

90-72 Johnson Blackwell _____

NEW AC CASES:

90-79 Al Springman _____

90-80 Everett Allen _____

90-81 George Ribble _____

90-82 Daniel Van Fleet _____

90-83 John Moody and William Walter _____

MINUTES:

August 9, 1990 _____

August 17, 1990 (Special Board Meeting) _____

August 30, 1990 _____

PENDING CASES ASSIGNED:

* 85-140 Citizens Utilities (Remand)(MN)
* 85-166 Citizens Utilities (JTM)(open waiver)
86-1 City of Peru CSO (JTM)
86-2 City of LaSalle CSO (JTM)
86-48 Wells Manufacturing (Remand)(RF)
86-56 Trilla Steel Drum (Remand)(BF)
86-161 Elizabeth Street Foundry (JD)
* 86-180 The Ceco Corporation (JTM)(open waiver)
87-89 Cargill (Remand)(JM)
* 87-131 Amerock Corporation (JTM)
AS 88-2 Stepan Company (JM)
* 88-25 Modine Manufacturing (JA)(open waiver)
* 88-78 Abbott Laboratories (BF)(open waiver)
88-139 John Sexton (Remand)(BF)
* 88-193 General Motors Corporation (JD)(open waiver)
* 88-195 McLean County Disposal (JTM)(open waiver)
AS 89-2 Elizabeth Street Foundry (JD)
AS 89-3 The Nutrasweet Company (BF)
89-19 Daniel & HelenLorden (MN)
89-61 Village of Beecher (JM)
89-64 Gallagher Asphalt (BF)
89-151 Brian J. Peter (RF)
AC 89-156 John Gordon (BF)
89-157 Clybourn Metal Finishing Company (JD)
89-159 Crown Cork & Seal Company (JA)
89-169 John & Jean Zarlenga (JA)
* 89-170 Centralia Environmental Services (MN)
89-179 Tony & Patricia Martin (MN)
* 89-184 The Grigoleit Company (JA)(due 11/29)
89-201 Crown Cork & Seal (JM)
89-205 Vito Zivoli (MN)
AC 89-215 Omer Thomas (BF)
AC 89-258 Donald Taylor (BF)
AC 89-268 William and Betty Jayne (BF)
90-12 Hysan Corporation (MN)
90-13 ABC Rail Corporation (JD)
90-19 DuPage Plating Company (JD)
AC 90-36 ESG Watts, Inc. (JTM)
AC 90-38 Harold Fults (JD)
AC 90-40 Steve Zimmerman & Waste Limited (JA)
90-88 Eldon Swedberg (MN)
90-91 General Electric Corporation (JA)
90-92 Lennon Wallpaper Company (MN)
90-93 Magnaflux Corporation (JA)
90-98 Aggrecon Corporation (JCM)
* 90-100 City of Ottawa (RF)(due 9/27)
90-102 State Oil Company (JTM)
90-105 Evangelical Health Systems (MN)
90-115 Excello Color & Chemical Company (RF)
90-116 Graham Paint & Varnish Company (JM)
* 90-118 Land & Lakes Company (JA)(due 10/25)
* 90-122 City of Lockport (JM)(due 10/25)

PENDING CASES ASSIGNED:

- * 90-130 Borden Chemicals & Plastics (BF)(due 10/25)
- * 90-131 City of Aurora (RF)(due 11/8)
- * 90-134 Village of Maple Park (JA)(due 11/8)
- 90-137 Village of Roxana (JTM)(due 11/8)
- * 90-162 Village of Plainfield (RF)(due 11/29)
- * 90-163 D & L Landfill, Inc. (BF)(due 11/29)