

**MINUTES OF REGULAR BOARD MEETING
OCTOBER 11, 1990 CHICAGO, ILLINOIS**

All Board Members were present save J. Dumelle who was on vacation.

An Opinion and Order was adopted in #90-73, Illinois Cement Company, by a vote of 5-1. J. Theodore Meyer dissented. (RCF)

An Opinion and Order was adopted in #90-92, Lennon Wallpaper Company, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-98, Aggrecon Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-105, Evangelical Health Systems, a/k/a Christ Hospital, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-109, Litho-Graphic Metal Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-110, Homak Manufacturing Company, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-115, Excello Color and Chemical Company, by a vote of 5-1. J. Theodore Meyer dissented. (RCF)

An Opinion and Order was adopted in #90-116, Graham Paint and Varnish Company, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-120, William J. Langheim, by a vote of 5-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #90-134, Village of Maple Park, by a vote of 5-1. B. Forcade dissented. (JA)

In R89-17(C), Application of California Motor Vehicle Control Program in Illinois, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (JTM)

Motion by J. Anderson for leave to distribute a draft Proposal for Public Comment and seconded by R. Flemal was granted in R90-12, UST Update, Repeal of state Fund (January 1, 1990 through June 30, 1990), by a vote of 6-0.

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##90-77, Henry Nelch & Son; 90-78, Everett Allen; 90-80, Everett Allen.

Agency motion to withdraw complaint was granted in #AC 89-263, Village of Hanover, by a vote of 6-0. (JCM)

Agency motion to amend complaint Instanter on its face was granted in #AC 90-49, Waste Hauling Landfill, and the complaint amended to delete Paragraphs A(3), A(5), and A(8). The vote was 6-0. (JCM)

Agency motion to withdraw complaint was granted in #AC 90-70, James Rhodes, by a vote of 6-0. (JCM)

By a vote of 6-0, the permit appeal in #86-48, Wells Manufacturing, was remanded to the Agency for further action consistent with a First District Appellate Court Opinion. (RCF)

An Order dismissing the proceedings and closing the docket was adopted in #87-89, Cargill, by a vote of 6-0. (JCM)

An Order directing the Hearing Officer to schedule a hearing by October 30, 1990 and to complete such hearing no later than December 31, 1990, was adopted in #87-150, Natural Gas Pipeline Company, by a vote of 6-0. (BF)

An Order setting the matter for hearing was adopted in #88-139, John Sexton Contractors, by a vote of 6-0. (BF)

By a vote of 6-0, the Board ordered this matter to hearing since no executed stipulation and proposal for settlement has been received: #89-159, Crown, Cork and Seal. (JA)

Complainant's motion to withdraw was granted in #90-47, Darrell Williams, by a vote of 6-0. (JCM)

Respondent's motion to dismiss was denied in #90-145, Gallatin National, by a vote of 6-0. (JA)

Petitioner's motion to dismiss was granted in #90-169, FIW, Inc., by a vote of 6-0. (JCM)

Agency motion for corrective rulemaking was denied in R89-16, RACT Deficiencies, by a vote of 6-0. (RCF)

By a vote of 6-0, an Order advising petitioner that if its response to a September 13, 1990 Board Order is not filed in the Board's office by October 25, 1990 the matter would be subject to dismissal, was adopted in R90-18, Petition of USX Corporation for Hazardous Waste Delisting. The Board also noted that if dismissed, petitioner would have to refile its petition and if refiled, it would not be construed as transferred from the United States Environmental Protection Agency and that petitioner would have to pay the \$75.00 filing fee for a site-specific petition. (JA)

By a vote of 6-0, an Order advising petitioner that if its response to a September 13, 1990 Board Order is not filed in the Board's office by October 25, 1990 the matter would be subject to dismissal, was adopted in R90-19, Petition of Woodward Governor Company for Hazardous Waste Delisting. The Board also noted that if dismissed, petitioner would have to refile its petition and if refiled, it would not be construed as transferred from the United States Environmental Protection Agency and that petitioner would have to pay the \$75.00 filing fee for a site-specific petition. (JA)

An Order correcting the Board's previous Order of September 27, 1990 in R90-22, Petition of Keystone Steel and Wire Company for Hazardous Waste Delisting, was adopted by a vote of 6-0. (JA)

A Default Order was adopted in this Administrative Citation by a vote of 6-0: #90-76, Johnson Blackwell.

After a brief discussion, this case was held to October 25, 1990 for further discussion or possible decision: #89-170, Centralia Environmental Services.

These cases were discussed and held to October 25, 1990 for further discussion or possible decision: ##87-191, Lefton Iron & Metal; 90-100, City of Ottawa; 90-118, Land and Lakes; 90-130, Borden Chemicals and Plastics.

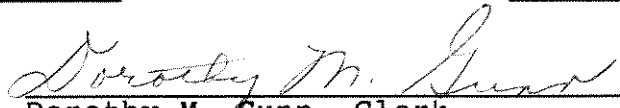
In new cases these actions were taken by a vote of 6-0: ##90-170, Goose Lake Association v. Robert J. Drake, Sr., held to October 25, 1990; 90-179, Acme Finishing Company, Inc. v. EPA, held to October 25, 1990; 90-180, EPA v. Container Corporation of America, hearing mandatory; 90-181, Village of Sauget (AB Plant) v. EPA, accepted for hearing, Order by B. Forcade; 90-182, Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall and Coggeshall Construction Company, Respondents' motion for extension of time granted until October 28, 1990 and held for duplicitous/frivolous determination, Order by J.C. Marlin; 90-183, Gallatin National Company v. EPA, accepted for hearing, Petitioner's motion for stay and motion to file a limited number of Exhibit B held to October 25, 1990 for further consideration, Order by B. Forcade; 90-184, EPA v. Hopper Paper Division, Georgia Pacific Corporation, hearing mandatory; 90-185, Mazer Chemical, Division of PPG Industries v. EPA, provisional variance granted, Order by J.C. Marlin; 90-186, Electric Energy, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; R90-23, General Motors Corporation Site-Specific Petition, 35 Ill. Adm. Code 216.381, additional information requested, Order by J. Theodore Meyer.

Because Petitions for Review were received by the Board these Administrative Citations will be set for hearing: ##90-79, Al Springman; 90-81, George Ribble.

Minutes of the September 27, 1990 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to October 25, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 25th day of October, 1990, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 11, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

88-139 John Sexton Contractors - Board Order (BF)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 11, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 89-170 Centralia Environmental Services (MN)

- 90-73 People of the State of Illinois v. Illinois Cement
Company (RF) (Stip)

- 90-92 People of the State of Illinois v. Lennon Wallpaper
Company (MN) (Stip)

- 90-98 People of the State of Illinois v. Aggrecon Corporation
(JCM) (Stip)

- 90-105 People of the State of Illinois v. Evangelical Health
Systems, a/k/a Christ Hospital (MN) (Stip)

- 90-109 People of the State of Illinois v. Litho-Graphic Metal
Corporation (JCM) (Stip)

- 90-110 People of the State of Illinois v. Homak Manufacturing
Company (JCM) (Stip)

- 90-115 Excello Color & Chemical Company (RF) (Stip)

- 90-116 People of the State of Illinois v. Graham Paint and
Varnish Company, Inc. (JCM) (Stip)

- 90-120 People of the State of Illinois v. William J. Langheim
(JA) (Stip)

- * 90-134 Village of Maple Park (JA)(due 11/8)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R89-17 Application of California Motor Vehicle Control
(C&D) Program in Illinois, Proposed Rule, First Notice,
Opinion and Order (JTM)
-
- R90-12 UST Update, Repeal of State Fund (January 1, 1990
through June 30, 1990), Proposal for Public Comment,
Proposed Opinion and Order (JA)
-

AC DECISIONS:

- 90-76 Johnson Blackwell _____
- 90-77 Henry Nelch & Son _____
- 90-78 Everett Allen _____
- 90-80 Everett Allen _____
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AC MOTIONS:

- 89-115 City of St. Francisville - petition for review of July
13, 1989 default Order (9/28)
-
- 89-224 John Vander - Agency motion to reconsider and vacate
August 30, 1990 Opinion and Order (10/4)(MN)
-
- 89-263 Village of Hanover - Agency motion to withdraw complaint
(10/1)(JCM)
-
- 89-304 G & M Wrecking Company - Agency motion for
reconsideration of August 30, 1990 Final Order (10/4)
(JA)
-
- 90-27 Johnson Blackwell - Agency motion to reconsider and
vacate August 30, 1990 Order (10/5)
-
- 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27),
County of Tazewell's response to Respondents' motion to
dismiss (9/21)(JA)
-

AC MOTIONS: (Cont'd)

- 90-49 Waste Hauling Landfill - Agency motion to amend
Complaint Instanter on its Face (9/11)(JCM)
-
- 90-55 Lindell Loveless - Respondent's motion to vacate August
30, 1990 Default Order (9/25)
-
- 90-57 Frank Doan - Complainant's motion for withdrawal of
alleged violation in Administrative Citation (9/7)(JCM)
-
- 90-70 James Rhodes - Agency motion to withdraw complaint
(10/1)(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), Petitioner's reply to
Agency's response and motion for leave to file Exhibit B
in reply to Agency's response (10/3)(JA)
-
- 86-48 Wells Manufacturing - Agency's response to August 30,
1990 Board Order (10/1)(RF)
-
- 87-89 Cargill, Inc. - Agency motion for remand (9/7), Village
of Carpentersville's response to Agency motion for
remand (9/13), Agency response to August 30, 1990 Board
Order (10/9), Petitioner's response to August 30, 1990
Board Order (10/9)(JCM)
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- 87-150 Natural Gas Pipeline Company - Response to June 7, 1990
Board Order (10/1), Petitioner's amended status report
in response to June 7, 1990 Board Order (10/3)(JCM)
-
- 89-159 Crown Cork and Seal - Board Order (JA)
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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 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), Hearing Officer response to August 30, 1990 Board Order (9/12), Petitioner's reply to Hearing Officer's response (9/20), Agency reply to Hearing Officer's response (9/21)(JA)
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- 89-193 Motorola, Inc. - Petitioner's stipulation of dismissal (10/5)
-
- 90-47 Darrell Williams - Complainant's motion to withdraw (10/9)
-
- 90-59 American Milling Company - Respondent's motion to exclude evidence (10/9)
-
- 90-94 D & L Landfill - Petitioners' motion to strike Bill Goodall as a party to appeal (10/3)(MN)
-
- 90-145 Gallatin National - Respondent's motion to dismiss (8/13), Complainant's response to motion to dismiss (9/19)(JA)
-
- 90-164 Riverside Laboratories - Objection (10/4)
-
- 90-169 FIW, Inc. - Petitioner's motion to dismiss (10/1)(JCM)
-
- R89-16 RACT Deficiencies - Agency motion for corrective rulemaking (9/6), Illinois Environmental Regulatory Group's response and objection to Agency motion for corrective rulemaking (9/20)(RCF)
-
- R90-18 USX Corporation - Board Order (JA)
-
- R90-19 Woodward Governor Company - Board Order (JA)
-
- R90-22 Keystone Steel & Wire - Board Order (JA)
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DISCUSSIONS:

- 87-191 Lefton Iron & Metal (JD) _____
- * 90-100 City of Ottawa (RF)(due 10/25) _____
- * 90-118 Land & Lakes (JA)(due 10/25) _____
- * 90-130 Borden Chemicals & Plastics (BF)(due 10/25) _____
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NEW CASES:

- 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, Complainant's response to Respondents motion to dismiss 9/14; Complainant's supplemental response to Respondents motion to dismiss (9/21))(JCM) _____
- 90-179 Acme Finishing Company, Inc. v. EPA (See also Agency motion to dismiss filed 10/9) _____
- 90-180 EPA v. Container Corporation of America _____
- 90-181 Village of Sauget (AB Plant) v. EPA (BF) _____
- 90-182 Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall and Coggeshall Construction Company (See also Respondents' motion for extension of time filed 10/4) _____
- 90-183 Gallatin National Company v. EPA (See also Petitioner's motion for Stay and motion to file a limited number of Exhibit B filed 10/9) _____
- 90-184 EPA v. Hopper Paper Division, Georgia Pacific Corporation _____
- 90-185 Mazer Chemical, Division of PPG Industries (Provisional Variance)(JCM) _____
- 90-186 Electric Energy, Inc. v. EPA (Provisonal Variance)(JCM) _____
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NEW CASES: (Cont'd)

R90-23 General Motors Corporation Site-Specific Petition, 35
 Ill. Adm. Code 216.381 _____

AC APPEALS:

90-79 Al Springman _____

90-81 George Ribble _____

MINUTES:

September 27, 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)(JCM)
 * 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)
 * 88-188 Shell Oil Company (JD)(due 11/29)
 * 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)
 89-61 Thomas Fredette (JCM)
 89-64 Gallagher Asphalt (BF)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-159 Crown Cork & Seal Company (JA)
 89-169 John & Jean Zarlenga (JA)
 89-179 Tony & Patricia Martin (MN)
 * 89-184 The Grigoleit Company (JA)(due 11/29)
 89-201 Crown Cork & Seal (JCM)
 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)
 AC 90-42 Robert Wheeler (BF)
 * 90-46 Rockford Drop Forge (JTM)(due 11/8)
 90-66 Robinson Farm Service (RF)
 90-88 Eldon Swedberg (MN)
 90-91 General Electric Corporation (JA)
 90-93 Magnaflux Corporation (JA)
 90-102 State Oil Company (JTM)
 90-107 Miller Fluid Power (JCM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 * 90-122 City of Lockport (JCM)(due 1/24)

PENDING CASES ASSIGNED: (Cont'd)

- * 90-131 City of Aurora (RF)(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)