

**MINUTES OF REGULAR BOARD MEETING
NOVEMBER 29, 1990 CHICAGO, ILLINOIS**

Chairman Marlin called the meeting to order and announced that a Special Board Meeting will be held on Tuesday, December 4, 1990. All Board Members were present.

An Opinion and Order was adopted in #87-191, Lefton Iron and Metal, by a vote of 5-2. J. Anderson and J.C. Marlin dissented. (JD)

J. Dumelle presented a draft Opinion and Order in #88-188, Shell Oil Company. Amendments by B. Forcade and J.C. Marlin were accepted and the Opinion and Order was then adopted by a vote of 7-0. (JD)

An Opinion and Order was adopted in #90-91, General Electric Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #90-137, Village of Roxana, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #90-160, John Boos and Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-162, Village of Plainfield, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

In R86-14, Borden Chemicals and Plastics, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF)

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

In R90-21, Safe Drinking Water Act Corrections, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

An Order directing the Agency to clarify its response to Complainant's motion to dismiss by December 13, 1990, was adopted in #AC 90-40, Steve Zimmerman, by a vote of 7-0. (JA)

Complainant's motion to voluntarily dismiss was granted in #AC 90-41, City of Alton, by a vote of 7-0. (JCM)

Complainant's motion to dismiss was granted in #AC 90-74, Laidlaw Waste Systems, by a vote of 7-0. (JCM)

A Supplemental Opinion and Order was adopted in #86-3, City of Oglesby CSO, by a vote of 7-0. (JA)

By a vote of 7-0, this matter was ordered to hearing: #86-56, Trilla Steel Drum. J. Anderson concurred. (BF)

Petitioner's motion for clarification of a September 11, 1986 Board Order was denied in #86-59, Village of Round Lake Beach, by a vote of 7-0. (RF)

An Order granting a continuance of the December 14, 1990 hearing and advising the parties that if the Board does not receive a motion to dismiss the proceedings by January 2, 1991, the matter will be set for hearing on the merits, was adopted in #87-150, Natural Gas Pipeline Company, by a vote of 7-0. (JCM)

Complainants' motion for reconsideration of a September 27, 1990 Board Order in #89-19, Daniel and Helen Lorden, was denied by a vote of 7-0. (MN)

An Order denying Respondent's motion to dismiss and advising Complainant that unless the Board receives its response by December 14, 1990 indicating that Respondent has not complied with the Board's July 19, 1990 Order, the docket will be closed on January 10, 1991, was adopted in #89-64, Gallagher Asphalt, by a vote of 7-0. (BF)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's Revised Application for Non-disclosure in #89-72, Olin Corporation (Joliet Plant). (BF)

Petitioner's motion to voluntarily dismiss was granted in #89-88, Hydraulics, Inc., by a vote of 7-0. (BF)

An Order advising the parties that if the Board has not received a motion to dismiss the proceeding by January 2, 1991, the matter will be set for hearing on the merits, was adopted in #89-89, Motor Wheel Corporation, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order was adopted pursuant to a letter written by Shirley Watson on behalf of the Concerned Citizens Group concerning the Board's October 25, 1990 Opinion and Order in #89-170, Centralia Environmental Services. (MN)

Respondent's motion to amend a Board Opinion was granted and the last sentence in the second paragraph on the first page of the Board's October 25, 1990 Opinion in #90-13, ABC Rail Corporation, was amended by a vote of 7-0. (RF)

Petitioner's motion to withdraw petition was granted in #90-44, Monsanto Company, by a vote of 7-0. (BF)

An Order directing the Hearing Officer to set a hearing on the merits, and to complete all such hearings as expeditiously as possible but no later than 180 days from the date of the entry of the Order was adopted in #90-66, Robinson Farm Service, by a vote of 7-0. (RF)

An Order directing the Hearing Officer to set a hearing on the merits, and to complete all such hearings as expeditiously as possible but no later than 180 days from the date of the entry of the Order was adopted in #90-88, Elden Swedberg Swine Farm, by a vote of 7-0. (MN)

An Order directing the Hearing Officer to set a hearing on the merits, and to complete all such hearings as expeditiously as possible but no later than 180 days from the date of the entry of the Order was adopted in #90-111, Seegers Grain Company, by a vote of 7-0. (BF)

An agreed motion for consideration of partial settlement agreement will be taken with the case-in-chief in #90-126, Marathon Petroleum.

The Board, on its own motion, dismissed the proceedings in #90-147, City of Monmouth, by a vote of 7-0. (MN)

Agency motion for withdrawal of Rich Warrington as co-counsel for the Agency in #90-173, Earl Bradd, was granted by a vote of 7-0. (JA)

Agency motion to file Recommendation Instanter in #90-183, Gallatin National Company, was granted by a vote of 7-0. (JA)

Agency motion for extension of time to file its Recommendation in #90-189, Modine Manufacturing, was granted until December 4, 1990 by a vote of 7-0. (RF)

Agency motion to file Recommendation Instanter in #90-194, Village of Seneca, was granted by a vote of 7-0. (JCM)

Agency motion to file Agency Record Instanter in #90-195, Caterpillar, was granted by a vote of 7-0. (JXM)

Petitioner's motion to supplement the record on appeal in R88-7, Landfill Regulations, was denied by a vote 7-0. (JA)

An Order directing the petitioner to submit a status report, to be received by the Board no later than January 21, 1991, indicating what action, if any, has been taken by the USEPA on its petition for hazardous waste delisting, was adopted in R90-18, USX Corporation, by a vote of 7-0. (JA)

Petitioner's motion for extension of time to respond to an

October 11, 1990 Board Order was granted in R90-23, General Motors Corporation, by a vote of 7-0. (BF)

These cases were discussed and held to December 20, 1990 for further discussion or possible decision: ##86-180, The Ceco Corporation; 89-61, Village of Beecher; 90-46, Rockford Drop Forge; 90-142, Pulitzer Community Newspapers; 90-163, D & L Landfill; 90-126, Marathon Petroleum.

This regulatory matter was discussed and held to December 20, 1990 for further discussion or possible decision: R89-7(B), Repeal of NSPS and NESHAPS Rules, Proposed Rule, Second First Notice, Opinion and Order.

J. Anderson presented a draft Opinion and Order in #89-184, The Grigoleit Company. Motion to amend by B. Forcade and seconded by J. Dumelle failed to carry by a vote of 3-4 with J. Dumelle, B. Forcade and J. Theodore Meyer for it and J. Anderson, R. Flemal, J. Marlin and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented and Messrs. R. Flemal and J. Theodore Meyer concurred. (JA)

In new cases these actions were taken by a vote of 7-0:
##90-182, Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall and Coggeshall Construction Company, case as against Scott Coggeshall dismissed, substitution of S. Scott Coggeshall as the proper respondent allowed, and complainant's response to respondent's motion to dismiss, construed by the Board as a request to amend the complaint to add an alleged violation of Section 9(a) was granted and the case accepted for hearing, **Order by J.C. Marlin**; 90-184, EPA v. Hopper Paper Division, Pacific Georgia Corporation and Taylorville Sanitary District, **held to December 4, 1990 Special Board Meeting**; 90-187, Herman W. Prescott v. City of Sycamore, **held to December 20, 1990 Board Meeting**; 90-200, Vito Zivoli and Stella Podczerwinski v. Somebody's Bar and Restaurant, respondent's motion for time to file its response to complaint was granted until December 19, 1990, **Order by J.C. Marlin**; 90-201, David L. Dravis and Margo Dravis v. M & D AG, Jerry McGinn and Bert Davis, accepted for hearing, **Order by J.C. Marlin**; 90-214, Quantum Chemical Corporation, USI Division (Morris Facility) v. EPA, accepted for hearing, **Order by B. Forcade**; 90-215, Spraying Systems Company v. EPA, accepted for hearing, **Order by B. Forcade**; 90-216, Clean Quality Resources, Inc. v. Marion County Board, accepted for hearing, **Order by B. Forcade**; 90-217, People of the State of Illinois v. Raging Rivers Water Park, Inc., hearing mandatory; 90-218, People of the State of Illinois v. A.B. Dick Company, hearing mandatory; 90-219, GSF Energy, Inc., a subsidiary of Air Products and Chemical, Inc. and Waste Management of Illinois, Inc. v. EPA, **held to December 4, 1990 Special Board Meeting**; 90-220, Acme Barrel Company v. EPA, accepted for hearing, **Order**

by B. Forcade; 90-221, Safety-Kleen Corporation (Mokena Facility) v. EPA, accepted for hearing, Order by B. Forcade; 90-222, Safety-Kleen Corporation (Franklin Park Facility) v. EPA, accepted for hearing, Order by B. Forcade; R90-24, Petition of BPI to Amend 35 Ill. Adm. Code 101.103(d), to Require the Use of Recycled Paper for all Documents filed with the Illinois Pollution Control Board, held to December 4, 1990 Special Board Meeting.

J. Marlin presented a draft Order in new case #90-223, Commonwealth Edison Company (Zion Power Station) v. EPA. Motion to amend by J. Dumelle and seconded by B. Forcade failed to carry by a vote of 1-6 with J. Dumelle for it and J. Anderson, B. Forcade, R. Flemal, J. Marlin, J. Theodore Meyer and M. Nardulli against it. The Order granting the provisional variance was then adopted by a vote of 6-1. J. Dumelle dissented. (JCM)

These Administrative Citations were received by the Board: ##90-88, Everett Allen; 90-89, W.W. Sanitation; 90-90, Everett Allen; 90-91, Bernard C. Leitschuh; 90-92, Everett Allen; 90-93, Lincoln/Logan Landfill; 90-94, Ray Doerr/Ray Doerr Auction Service.

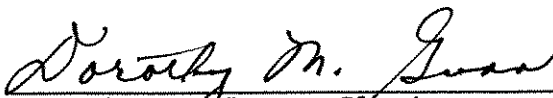
This Adjusted Standard was received by the Board and was held to December 20, 1990 for possible consideration: #90-8, Petition of Olin Corporation.

Minutes of the November 8, 1990 Board Meeting were approved by a vote of 7-0.

Minutes of the November 26, 1990 Special Board Meeting were approved by a vote of 4-0. R. Flemal, J.C. Marlin and J. Theodore Meyer abstained.

All other matters not disposed of as listed were ordered held to December 20, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 30th day of December, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 29, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 87-191 Lefton Iron & Metal (JD) _____
- * 88-188 Shell Oil Company (JD)(due) _____
- * 89-184 The Grigoleit Company (JA)(due) _____
- 90-91 People of the State of Illinois v. General Electric
Company (JA) (Stip) _____
- * 90-137 Village of Roxana (JTM)(due) _____
- 90-160 People of the State of Illinois v. John Boos and Company
(JCM) (Stip) _____
- * 90-162 Village of Plainfield (RF)(due) _____
- * 90-166 City of Genoa (RF)(due 12/20) _____
- R86-14 Borden Chemicals & Plastics, Adopted Rule, Final Order,
Opinion and Order (BF) _____
- R90-16 Correction to 35 Ill. Adm. Code 102.162, Adopted Rule,
Final Order, Opinion and Order (JTM)
- _____
- R90-21 Safe Drinking Water Act Corrections, Adopted Rule, Final
Order, Opinion and Order (JA)
- _____

AC MOTIONS:

- 89-207 Chicago Heights Refuse Depot - Respondent's motion to
vacate November 2, 1989 Default Order (11/19)
- _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS: (Cont'd)

- 89-231 Leon Lamet - Agency motion to substitute Respondent's Estate as party respondent and to set for hearing (10/12)(JCM)
-
- 90-27 Johnson Blackwell - Agency motion to reconsider and vacate August 30, 1990 Order (10/5), Agency motion to file corrected motion to reconsider August 30, 1990 Order (10/29)(JCM)
-
- 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27), County of Tazewell's response to Respondent's motion to dismiss (9/21), Agency response to August 30, 1990 Board Order (10/30)(JA)
-
- 90-41 City of Alton - Complainant's motion to voluntarily dismiss (11/2)(JCM)
-
- 90-74 Laidlaw Waste Systems - Complainant's motion to dismiss (11/9)(JCM)
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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)
-
- 86-56 Trilla Steel Drum - Board Order (BF)
-
- 86-59 Village of Round Lake Beach - Petitioner's motion for clarification of September 11, 1986 Board Order (10/26), Agency response to Petitioner's motion for clarification (11/15)(RF)
-
- 86-193 City of Freeport - Respondent's second petition to modify September 8, 1988 Supplemental Opinion and Final Order of the Board (11/15)(JCM)
-
- 87-150 Natural Gas Pipeline - agreed motion to stay expiration of permit by rule in connection with dismissal of appeal (11/7)(JCM)
-
- 88-60 Sonoco Products - Petitioner's motion for extension of time (10/29), Agency motion to reject request for extension (11/5)(JD)
-

MOTIONS: (Cont'd)

- 88-172 Allied-Signal - joint motion for modification of November 2, 1989 Board Order (11/19)(MN)
-
- 89-19 Daniel & Helen Lorden - Complainants substitution of attorneys and motion for reconsideration of September 27, 1990 Board Order (10/31)(MN)
-
- 89-64 Gallagher Asphalt - Respondent's report regarding implementation of remedial actions (11/3)(BF)
-
- 89-72 Olin Corporation - Petitioner's revised application for non-disclosure in response to November 8, 1990 Board Order (11/21), Petitioner's motion to supplement revised application for non-disclosure (11/28)(BF)
-
- 89-88 Hydraulics, Inc. - Petitioner's motion to voluntarily dismiss (11/8)(BF)
-
- 89-89 Motor Wheel - Petitioner's response to August 9, 1990 Board Order (11/9)(JCM)
-
- 89-151 Brian J. Peter - Complainant's reply to Respondent's Report of Abatement Procedures (11/28)(RF)
-
- 89-170 Centralia Environmental Services - letter from Concerned Citizens Group (11/9)(MN)
-
- 90-13 ABC Rail - Respondent's motion to amend October 25, 1990 Board Opinion (11/19)(RF)
-
- 90-22 Douglas Furniture - Petitioner's motion for summary judgment (11/8), Agency response to Petitioner's motion for summary judgment (11/21), Agency response to Petitioner's motion for summary judgment (11/21), Petitioner's motion for leave to file reply brief instant and reply memorandum to the Agency's response to Petitioner's motion for summary judgment (11/28)
-
- 90-44 Monsanto Company - Petitioner's motion to withdraw Petition (11/28)(BF)
-
- 90-53 Industrial Fuels - Petitioner's motion for reconsideration of September 27, 1990 Opinion and Order (10/31)(JA)
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MOTIONS: (Cont'd)

- 90-66 Robinson Farm Service - set for hearing Order (RF)
-
- 90-88 Elden Swedberg - set for hearing Order (MN)
-
- 90-111 Seegers Grain - set for hearing Order (JA)
-
- 90-126 Marathon Petroleum Company - agreed motion for
consideration of partial settlement agreement (11/1)(JD)
-
- 90-145 Gallatin National Company - Respondent's motion to
dismiss (11/20)
-
- 90-147 City of Monmouth - Dismissal Order (MN)
-
- 90-161 Columbia Quarry - Respondent's motion to dismiss (11/26)
-
- 90-173 Earl R. Bradd - Agency motion for co-counsel withdrawal
(11/19)(JA)
-
- 90-183 Gallatin National Company - Agency motion to file
Instanter Agency's Variance Recommendation (11/15)(JA)
-
- 90-189 Modine Manufacturing - Agency motion for extension of
time to file Agency Recommendation (11/19), Petitioner's
response to Agency motion for extension of time (11/20)
-
- 90-194 Village of Seneca - Agency motion to file Recommendation
Instanter (11/26)(JCM)
-
- 90-195 Caterpillar - Agency motion to file Agency Record
Instanter (11/27)
-
- R88-7 Gallatin National Company - Petitioner's motion to
supplement record on appeal (11/26)(JA)
-
- R90-18 USX Corporation - Petitioner's response to October 11
and 25, 1990 Board Orders (11/9)(JA)
-
- R90-23 General Motors Corporation - Petitioner's motion for
extension of time to respond to October 11, 1990 Board
Order (11/26)(BF)
-

DISCUSSIONS:

- * 86-180 Ceco Corporation (JTM)(open waiver) _____
- 89-61 Village of Beecher (JCM) _____
- * 90-46 Rockford Drop Forge (MN)(due 12/20) _____
- * 90-142 Pulitzer Community Newspapers (MN)(due 12/20) _____
- * 90-163 D & L Landfill (BF)(due 12/20) _____

REGULATORY DISCUSSIONS:

- R89-7 Repeal of NSPS and NESHAPS Rules, Proposed Rule, Second
(B) First Notice, Opinion and Order (JD) _____

NEW CASES:

- 90-182 Ronald E. Tex and Susan D. Tex v. Samuel Scott
Coggeshall and Coggeshall Construction Company (See
Respondent S. Scott Coggeshall's motion to dismiss filed
10/31; Coggeshall Construction Company's motion to
dismiss filed 10/31; Complainant's motion to continue
filed 11/28) _____
- 90-184 EPA v. Hopper Paper Division, Pacific Georgia
Corporation and Taylorville Sanitary District (See Third
Party Appeal filed 10/22 and Metcalf and Eddy Services'
motion for extension of time to respond to November 8,
1990 Board Order filed 11/27) (JD) _____
- 90-187 Herman W. Prescott v. City of Sycamore (See also
Respondent's motion for extension of time to file motion
to strike and dismiss complaint as Frivolous filed
10/29) _____
- 90-200 Vito Zivoli and Stella Podczerwinski v. Somebody's Bar
and Restaurant _____
- 90-201 David L. Dravis and Margo Dravis v. M & D AG, Jerry
McGinn and Bert Davis _____
- 90-214 Quantum Chemical Corporation, USI Division (Morris
Facility) v. EPA (BF) _____

NEW CASES: (Cont'd)

- 90-215 Spraying Systems Company v. EPA (BF) _____
- 90-216 Clean Quality Resources, Inc. v. Marion County Board
(BF) _____
- 90-217 People of the State of Illinois v. Raging Rivers Water
Park, Inc. _____
- 90-218 People of the State of Illinois v. A.B. Dick Company

- 90-219 GSF Energy, Inc., a subsidiary of Air Products &
Chemical, Inc. and Waste Management of Illinois, Inc. v.
EPA (See also Petitioner's Motion for Stay or
Provisional Variance or Expedited Hearing and Decision
filed 11/16) and Agency response to Petitioner's Motion
for Stay or Provisional Variance or Expedited Hearing
and Decision filed 11/26) (BF) _____
- 90-220 Acme Barrel Company v. EPA (BF) _____
- 90-221 Safety-Kleen Corporation (Mokena Facility) v. EPA
(BF) _____
- 90-222 Safety-Kleen Corporation (Franklin Park Facility) v. EPA
(BF) _____
- 90-223 Commonwealth Edison Company (Zion Power Station) v. EPA
(Provisional Variance) (JCM) _____

NEW AC CASES:

- 90-88 Everett Allen _____
- 90-89 W.W. Sanitation _____
- 90-90 Everett Allen _____
- 90-91 Bernard C. Leitschuh _____
- 90-92 Everett Allen _____
- 90-93 Lincoln/Logan Landfill _____
- 90-94 Ray Doerr/Ray Doerr Auction Service _____

NEW ADJUSTED STANDARDS:

90-8 Petition of Olin Corporation (See also Petitioner's motion for leave of the Board to file one copy of a technical attachment, etc. and leave to incorporate by reference without additional enclosures the materials described in Appendix "A" enclosed in the technical attachment filed 11/20) _____

MINUTES:

November 8, 1990 _____

November 26, 1990 (Special Board Meeting) _____

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)
86-56 Trilla Steel Drum (Remand)(BF)
86-161 Elizabeth Street Foundry (JD)
* 87-131 Amerock Corporation (JTM)
AS 88-2 Stepan Company (JM)
* 88-25 Modine Manufacturing (JA)(open waiver)
* 88-78 Abbott Laboratories (JD)(open waiver)
88-98 IBP, Inc. (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)
89-64 Gallagher Asphalt (BF)
* 89-72 Olin Chemicals (BF)(due 2/8)
89-94 Reichhold Chemicals (Remand)(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)
89-169 John & Jean Zarlenga (JA)
89-179 Tony & Patricia Martin (MN)
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)
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)
90-59 Michael L. Christianson (RF)
AC 90-59 Southern Pacific Railroad (RF)
90-66 Robinson Farm Service (RF)
90-88 Eldon Swedberg (MN)
90-102 State Oil Company (JTM)
90-108 Joseph & Pamela Stratton (JD)
90-111 Seegers Grain Company (JA)
* 90-122 City of Lockport (JCM)(due 1/24)
* 90-126 Marathon Petroleum Company (JD)(due 12/20)
90-135 The Grigoleit Company (BF)
90-139 Illinois Valley Paving Company (JA)
90-152 Panhandle Eastern Pipeline Company (BF)
* 90-167 City of Morris (RF)(due 2/7)
* 90-173 Earl R. Bradd (JA)(due 4/11)
* 90-177 A.K.A. Land (JD)(due 1/11)
* 90-183 Gallatin National Company (JA)(due 1/24)
* 90-194 Village of Seneca (JCM)(due 2/7)