

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
DECEMBER 20, 1989 CHICAGO, ILLINOIS**

All Board Members were present. Chairman Marlin called the meeting to order and introduced his new assistant Mark Miller.

Board Member J. Dumelle presented a draft Opinion and Order in #88-127, Koppers Company. The Opinion and Order failed to carry by a vote of 3-4 with J. Dumelle, R. Flemal and B. Forcade for it and J. Anderson, J. Marlin, J. Theodore Meyer and M. Nardulli against it. The matter will be reassigned to another Board Member.

An Opinion and Order was adopted in #89-5, Arco Products, by a vote of 7-0. (RF)

An Opinion and Order was adopted in ##89-41, -42, Old Ben Coal, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #89-131, City of Galva, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-236, Gene Yates; 89-238, Martin Stahling; 89-240, Great River Mix; 89-241, Simmons Airlines; 89-243, County of Whiteside; 89-244, Ed Timmons; 89-246, Morris Ray; 89-248, Leroy Brown & Sons; 89-249, Dan Bland; 89-274, Bi-State Disposal.

Agency motion to withdraw the complaint in #AC 89-15, Robert Pratt, was granted by a vote of 7-0. (JM)

Agency motion to amend the complaint in #AC 89-122, Stryker International, was granted by a vote of 7-0. (JM)

Agency motion to extend time for response was granted until January 15, 1990 in #AC 89-132, Ray Schroeder, by a vote of 7-0. (JM)

Agency motion to amend the complaint in #AC 89-162, Land & Lakes, was granted by a vote of 7-0. (JM)

Agency motion to extend time for response was granted until January 15, 1990 in #AC 89-164, Kemp Manufacturing, by a vote of 7-0. (JM)

Agency motion to amend the Administrative Citation Instanter in #AC 89-175, Stryker International, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint in #AC 89-190, James & Nellie Britz, was granted by a vote of 7-0. (JM)

Agency motion to extend time for response was granted until January 15, 1990 in #AC 89-191, Adolph Lo, by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-194, G & M Wrecking Company, was granted by a vote of 7-0. (JM)

Agency motion to extend time for response was granted until January 15, 1990 in #AC 89-201, Fred Gocey, by a vote of 7-0. (JM)

An Order directing the Clerk's office to send the Agency a copy of Respondent's motion to vacate an October 18, 1989 default Order and ordering the Agency to have its response to Respondent's motion on file in the Board's offices by January 15, 1990, was adopted in #AC 89-202, James Laurenzana, by a vote of 7-0. (JM)

By a vote of 7-0, an Order was adopted pursuant to Respondent's motion to vacate a December 5, 1989 default Order in #AC 89-211, City of Palos Hills. (JM)

An Order directing the Clerk's office to send the Agency a copy of Respondent's motion to vacate a November 15, 1989 default Order and ordering the Agency to have its response to Respondent's motion on file in the Board's offices by January 15, 1990, was adopted in #AC 89-213, Franklin Olson, by a vote of 7-0. (JM)

Agency motion to vacate a November 15, 1989 default Order and withdraw the complaint in #AC 89-218, G & M Wrecking Company, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-239, Donald E. Rhodes, was granted by a vote of 7-0. (JM)

Agency motion to dismiss in #AC 89-244, Ed Timmons, was granted by a vote of 7-0. (JM)

Complainant's motion to dismiss the Administrative Citation in #AC 89-260, Argonne National Laboratory, was granted by a vote of 7-0. (JM)

Petitioner's motion to dismiss the variance petition in #88-3, Stepan Company, was granted by a vote of 7-0. (BF)

By a vote of 7-0, an Order directing the parties to file either documents embodying the final resolution of the matter or an updated status report on or before January 31, 1990, was adopted in #88-122, Waste Management. (JA)

Petitioner's motion for leave to file its response to the Agency

Recommendation and Addendum to the Agency Recommendation in #89-66, Village of North Aurora, was granted by a vote of 7-0. (RF)

Petitioner's motion for an extension of time to file its Brief in #89-104, Metropolitan Waste Systems, was granted until April 14, 1990 by a vote of 7-0. (JD)

Petitioner's motion for leave to file its response to the Agency Recommendation and Addendum to the Agency Recommendation in #89-107, City of Geneva, was granted by a vote of 7-0. (JM)

Petitioner's motion for voluntary dismissal in #89-114, Safety-Kleen, was granted by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal in #89-117, Waste Management, was granted by a vote of 7-0. (BF)

Petitioner's stipulated motion for extension of time in which to respond to Respondent's motion to dismiss in #89-189, Jennison-Wright, was granted until December 29, 1989 by a vote of 7-0. (BF)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's motion for expedited decision in R88-14, Abbott Laboratories. (JD)

By a vote of 7-0, the Board upon its own motion adopted an Order reaffirming the procedural schedule set forth in the First Notice Opinion and setting a post hearing comments schedule in R89-16, RACT Deficiencies. (JD)

These cases were discussed and held to January 11, 1990 for further discussion or possible decision: ##AC 88-76, -77, E & E Hauling; 89-64, Gallagher Blacktop; 89-138, Sam Dimaggio.

This regulatory matter was discussed and held to January 11, 1990 for further discussion or possible decision: R88-30(A), Gasoline Volatility, Proposed Rule, Second Notice, Opinion and Order.

This amended petition was accepted and held for an Agency Recommendation: #89-183, City of Batavia.

In new cases these actions were taken by a vote of 7-0: ##89-182, Robert J. and Alice J. Kvatsak v. St. Michael's Lutheran Church, held for Duplicitous/Frivolous Determination; 89-200, EPA v. Ekco Glaco Corporation, hearing mandatory; 89-201, People of the State of Illinois v. Crown Cork and Seal Company, hearing mandatory; 89-202, Laclede Steel Company v. EPA, Petitioner's motion for stay denied and additional information requested, Order by B. Forcade; 89-203, Walter Zyzniewski v. Springfield Public Schools, Unit District No. 186, held for Duplicitous/Frivolous Determination; 89-204, Village of Shorewood v. EPA, additional information requested and Petitioner advised

that once an amended petition is received the Board will make every attempt to expedite this matter as quickly as possible, **Order by B. Forcade**; 89-205, Vito Zivoli v. Prospect Dive and Sport Shop, Ltd. and Michael S. Ropers, existing form which must be included in the service of the complaint upon the Respondent provided to Respondent and Respondent allowed to file a motion within two weeks if it believes that the complaint is duplicitous or frivolous, **Order by J. Dumelle**; 85-206, EPA v. Chicago Steel Container Corporation, hearing mandatory; 89-207, Amoco Petroleum Additives Company v. EPA, provisional variance granted, **Order by J. Marlin**; 89-208, Cabot Corporation v. EPA, provisional variance granted, **Order by J. Marlin**; 89-209, Aero Services International, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**; 89-211, Mead Packing Division v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**; R89-19, UST State Fund Regulatory Mandate, docket reserved by J. Anderson; R89-20, Pre-Treatment Corrections, docket reserved by J. Anderson.

By a vote of 6-1, these actions were taken in new case R89-18, Calumet Industries: Petitioner's November 30, 1989 letter construed as a petition for rulemaking, additional information requested, and Clerk's office directed to provide Petitioner with copies of the Act and the Board's procedural rules. J. Dumelle dissented. (JM)

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##89-242, City of Rutland; 89-245, Bob White; 89-268, William & Betty Jayne.

These Administrative Citations were received by the Board: ##89-276, Rockford Speedway; 89-277, Thomas Martin; 89-278, ESG Watts, Inc.; 89-279, Hershel Hancock et al.; 89-280, Barter-Mitchell Construction Company; 89-281, Loren Lambert; 89-282, Village of Washington Park; 89-283, Paul Fridly; 89-284, City of Herrin; 89-285, Paul Hindman; 89-286, ESG Watts, Inc.; 89-287, Robert Britz, Jr.; 89-288, Multi-County Landfill; 89-289, James Gilmer; 89-290, Archer Daniels-Midland; 89-291, Roger Hill; 89-292, Land & Lakes Company, 89-293, Land & Lakes Company, 89-294, Don Eichen; 89-295, Decker Construction, Inc.; 89-296, Robert Sanvi.

Complainant's motion to compel in #89-19, Sheridan South Condominium, was denied by a vote of 7-0. (JA)

Minutes of the December 6, 1989 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to January 11, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 11th day of January, 1989 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 20, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 88-127 Koppers Company (JD) _____
- * 89-5 Arco Products (RF)(due 1/25) _____
- * 89-41 Old Ben Coal (JA)(due) _____
- * 89-42 Old Ben Coal (JA)(due) _____
- * 89-131 City of Galva (MN)(due) _____

AC DECISIONS:

- 89-236 Gene Yates _____
- 89-238 Martin Stahling _____
- 89-240 Great River Ready Mix _____
- 89-241 Simmons Airlines _____
- 89-243 County of Whiteside _____
- 89-244 Ed Timmons _____
- 89-246 Morris Ray _____
- 89-248 Leroy Brown & Sons _____
- 89-249 Dan Bland _____
- 89-274 Bi-State Disposal _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 88-76 E & E Hauling - County of DuPage response to September
88-77 13, 1989 Board Order (10/16), Agency response to
 September 13, 1989 Board Order (10/17), Respondent's
 Memorandum regarding hearing costs and reply to
 Complainant's request for costs (10/30)(JA)
-
- 89-15 Robert Pratt - Agency motion to withdraw complaint
 (12/7)
-
- 89-122 Stryker International - Agency motion to amend
 Administrative Citation (12/4)
-
- 89-132 Ray Schroeder - Respondent's motion to vacate July 27,
 1089 Default Order (11/28), Complainant's motion to
 extend time for response (12/18)(JM)
-
- 89-162 Land & Lakes Company - Agency motion to amend complaint
 on its face (12/7)
-
- 89-164 Kemp Manufacturing - Respondent's motion for relief from
 November 2, 1989 Default Order (11/17), Complainant's
 motion to extend time for response (12/18)(JM)
-
- 89-175 Stryker International - Agency motion to amend
 Administrative Citation (12/1)
-
- 89-190 James & Nellie Britz - Agency motion to withdraw
 complaint (12/8)
-
- 89-191 Adolph Lo - Respondent's petition to reopen docket
 (11/13), Complainant's motion to extend time for
 response (12/18)(JM)
-
- 89-194 G & M Wrecking Company - Agency motion to withdraw
 complaint and dismiss action (12/11)
-
- 89-201 Fred Gocey - Respondent's motion to vacate/reconsider
 October 18, 1989 Default Order (11/27), Complainant's
 motion to extend time for response (12/18)(JM)
-
- 89-202 James Laurenzana - Respondent's motion to vacate October
 18, 1989 Default Order (12/11)
-
- 89-211 City of Palos Hills - Respondent's motion to vacate
 November 15, 1989 Default Order (12/5)
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AC MOTIONS: (Cont'd)

- 89-213 Frank Olson - Respondent's motion to vacate November 15, 1989 Default Order (See Respondent's letter filed December 6, 1989) _____
- 89-218 G.M. Wrecking Company - Respondent's petition to vacate November 15, 1989 Default Order (12/4), Agency motion to vacate Default Order, withdraw complaint and dismiss action (12/11) _____
- 89-237 Gary W. Jacobs - See Respondent's letter dated November 16, 1989 (Note: construed by the Board to be a Petition for Review at December 6, 1989 Board Meeting), Agency motion to amend typographical error in Respondent's name (11/21)(JM) _____
- 89-239 Donald E. Rhodes - Agency motion to withdraw complaint and dismiss action (12/13) _____
- 89-244 Ed Timmons - Agency motion to dismiss (12/11) _____
- 89-260 Argonne National Laboratory - Complainant's motion to dismiss Administrative Citation (12/14) _____

MOTIONS:

- 85-137 Fred Jurcak - Petitioner's motion to modify permit (12/4) _____
- 86-210 Hillview Farms - Respodents Status Report in response to November 15, 1989 Board Order (12/15)(JD) _____
- 88-3 Stepan Company - Petitioner's motion to dismiss variance petition (12/5) _____
- 88-69 Scott AFB - Petitioner's motion for extension of variance until February 28, 1990 (12/1), Agency response to Petitioner's motion for extension of variance 12/14) _____
- 88-122 Waste Management - Petitioner's Status Report in response to November 2, 1989 Board Order (12/14)(JA) _____

MOTIONS: (Cont'd)

- 88-191 Testor Corporation - Petitioner's motion for reconsideration and clarification of November 2, 1989 Board Order (12/7), Agency motion for reconsideration and clarification of November 2, 1989 Board Order (12/8), Petitioner's response to Agency's motion for reconsideration (12/18)(JTM) _____
- 89-19 Sheridan South Condominium - Complainants motion to compel (6/30), Respondent's answer to Complainant's motion to compel (11/13), Complainants reply to Respondent's answer to Complainant's motion to compel (12/4), Complainants motion to join additional parties (12/13)(JA) _____
- 89-66 Village of North Aurora - Petitioner's motion for leave to file response to Agency Recommendation and addendum to Agency Recommendation (12/14)(RF) _____
- 89-95 Environmental Reclamation - Petitioner's motion for summary judgment and Memorandum of Law in support (11/17), Agency response to Petitioner's motion for summary judgment (11/27) _____
- 89-104 Metropolitan Waste Systems - Petitioner's motion for extension of time to file Brief (12/5), Objection (12/18)(JD) _____
- 89-107 City of Geneva - Petitioner's motion for leave to file response to Agency Recommendation and Addendum to Agency Recommendation (12/14)(JM) _____
- 89-108 McLean County Disposal - Petitioner's petition for rehearing or reconsideration (12/13)(JTM) _____
- 89-114 Safety-Kleen - Petitioner's motion to voluntarily withdraw (12/11)(BF) _____
- 89-117 Waste Management - Petitioner's motion for voluntary dismissal (12/8)(BF) _____
- 89-148 Reichhold Chemicals - Petitioner's motion for reconsideration or in the alternative for stay pending appeal (12/13)(BF) _____
- 89-184 The Grogoleit Company - Petitioner's motion to supplement Application for Non-Disclosure and Statement of Intent (12/15)(BF) _____

MOTIONS: (Cont'd)

- 89-189 Jennison-Wright - Agency motion for dismissal of permit appeal (12/4), Respondent's stipulated extension of time in which to respond to Respondent's motion to dismiss (12/14) _____
- R88-14 Abbott Laboratories - Petitioner's amended petition for rulemaking and motion for expedited hearing (12/4), Agency response to motion for expedited hearing (12/6)(JD) _____
- R89-16 RACT Deficiencies - Board Order (JD) _____

DISCUSSIONS:

- AC 88-76 E & E Hauling (JA) _____
88-77
- 89-64 Gallagher Blacktop (BF) _____
- * 89-138 Sam Dimaggio (BF)(due 1/11) _____

REGULATORY DISCUSSIONS:

- R88-30 Gasoline Volatility, Proposed Rule, Second Notice,
(A) Opinion and Order (JD) _____

AMENDED PETITIONS:

- 89-183 City of Batavia (filed 12/11) _____

NEW CASES:

- 89-182 Robert J. and Alice J. Kvatsak v. St. Michael's Lutheran Church _____
- 89-200 People of the State of Illinois v. Ekco Glaco Corporation _____
- 89-201 People of the State of Illinois v. Crown Cork and Seal Company, Inc. _____
- 89-202 Laclede Steel Company v. EPA (See also Petitioner's Motion for Stay filed 12/12)(BF) _____

NEW CASES: (Cont'd)

89-203 Walter Zyzniewski v. Springfield Public Schools, Unit
District No. 186) _____

89-204 Village of Shorewood v. EPA (BF) _____

89-205 Vito Zivoli v. Prospect Dive and Sport Shop, Ltd. and
Michael S. Ropers _____

89-206 EPA v. Chicago Steel Container Corporation

89-207 Amoco Petroleum Additives Company v. EPA (Provisional
Variance)(JM) _____

89-208 Cabot Corporation v. EPA (Provisional Variance)(JM)

89-209 Aero Services International, Inc. v. EPA (Provisional
Variance)(JM) _____

R89-18 Calumet Industries, Inc. (JM) _____

R89-19 UST State Fund Regulatory Mandate (RESERVED)

R89-20 Pre-Treatment Corrections (RESERVED)

AC APPEALS:

89-242 City of Rutland _____

89-245 Bob White _____

89-268 William & Betty Jayne _____

NEW AC CASES:

89-276 Rockford Speedway, Inc. _____

89-277 Thomas Martin _____

89-278 ESG Watts, Inc. _____

89-279 Hershel Hancock et al. _____

89-280 Barter-Mitchell Construction Company _____

NEW AC CASES: (Cont'd)

89-281 Loren Lambert _____
89-282 Village of Washington Park _____
89-283 Paul Fridly _____
89-284 City of Herrin _____
89-285 Paul Hindman _____
89-286 ESG Watts, Inc. _____
89-287 Robert Britz, Jr. _____
89-288 Multi-County Landfill _____
89-289 James Gilmer _____
89-290 Archer Daniels-Midland _____
89-291 Roger Hill _____
89-292 Land and Lakes Company _____
89-293 Land and Lakes Company _____
89-294 Don Eichen _____
89-295 Decker Construction, Inc. _____
89-296 Robert Sanvi _____

MINUTES:

December 6, 1989 _____

PENDING CASES ASSIGNED:

* 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)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-139 Browning-Ferris (JD)
 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 88-90 James Esarey (JM)
 * 88-151 Citizens Utilities (RF)(due 3/8)
 88-173 Village of Lake Zurich (JTM)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 88-199 Seegers Grain (JM)
 88-207 Central Illinois Public Service (MN)
 AS 89-2 Elizabeth Street Foundry (JD)
 AC 89-18 J & R Landfill (RF)
 89-29 Village of Fox River Grove (BF)
 89-53 Lefton Iron & Metal (MN)
 * 89-66 Village of North Aurora (RF)(due 1/25)
 89-104 Metropolitan Waste Systems (JD)(due 6/21)
 * 89-107 City of Geneva (JM)(due 2/22)
 AC 89-109 Fairview Heights (JA)
 * 89-114 Safety-Kleen Corporation (BF)(due 3/8)
 * 89-130 Village of Malta (JM)(due 3/22)
 AC 89-131 ESG Watts, Inc. (MN)
 * 89-139 City of Chenoa (RF)(due 1/25)
 * 89-140 City of Minonk (MN)(due 5/10)
 AC 89-156 John Gordon (BF)