

**MINUTES OF REGULAR BOARD MEETING
DECEMBER 20, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #86-180, The Ceco Corporation, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #90-88, Eldon Swedberg, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-127, Westvaco Corporation, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #90-139, Illinois Valley Paving Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #90-142, Pulitzer Community Newspapers, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #90-163, D & L Landfill, by a vote of 6-1. J. Dumelle dissented. (BF)

An Opinion and Order was adopted in #90-166, City of Genoa, by a vote of 5-2. J. Dumelle and B. Forcade dissented. (RF)

In R87-31, SO₂ Averaging, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF)

In R89-7(B), Repeal of NSPS and NESHAPS Rules, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 7-0. (JD)

In R90-11, RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

In R90-13, SWDA Update, USEPA Regulations (January 1, 1990 through June 30, 1990), an Adopted Rule, Final Order, 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: #90-86, Roy Frietsch; 90-87, Everett Allen.

Respondent's motion to vacate a November 2, 1989 Default Order in #AC 89-207, Chicago Heights Refuse Depot, was denied by a vote of 7-0. (JCM)

By a vote of 7-0, the Board, on its own motion, dismissed the proceedings in #AC 89-231, Leon Lamet Estate. (BF)

Agency motion to reconsider was granted and upon reconsideration the Board affirmed its August 30, 1990 Board Order in #AC 90-27, Johnson Blackwell, by a vote of 6-1. B. Forcade dissented. (JCM)

Respondent's motion to dismiss in #AC 90-40, Steve Zimmerman, was granted by a vote of 7-0. (JA)

By a vote of 7-0, an Agency motion for extension of time to file its brief in #85-140, Citizens Utilities, was granted until January 11, 1991. (MN)

Respondent's second petition to modify a September 8, 1988 Supplemental Opinion and Final Order of the Board in #86-193, City of Freeport, was denied by a vote of 7-0. (JCM)

Petitioner's motion for modification of an August 4, 1988 Board Order in #88-52, City of Ottawa, was granted by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (RF)

By a vote of 7-0, the parties were ordered to file a statement no later than January 18, 1991, of what action, if any, is now required by the Board to proceed with #88-98, IBP, Inc., and what schedule should be set for such action. (BF)

Joint motion for modification of a November 2, 1989 Board Order in #88-172, Allied-Signal, was granted by a vote of 7-0. (MN)

Petitioner's motion to dismiss was granted in #89-89, Motor Wheel Corporation, by a vote of 7-0. (BF)

Petitioner's motion for extension of time to file its response to Respondent's motion to reconsider and modify an October 25, 1990 Opinion and Order in #89-170, Centralia Environmental Services, was granted until December 27, 1990 by a vote of 7-0. (MN)

Petitioner's motion for reconsideration of a September 27, 1990 Opinion and Order in #90-53, Industrial Fuels, was denied by a vote of 5-2. Messrs. J. Theodore Meyer and B. Forcade dissented. (JA)

Complainants' motion to recuse the Hearing Officer in #90-145, Gallatin National Company, was denied by a vote of 7-0. (JD)

Complainant's motion to file an amended complaint in #90-151, Thomas Steel Corporation, was referred to the Hearing Officer for disposition.

By a vote of of 5-2, the Board reissued its November 29, 1990

Order in #90-162, Village of Plainfield, with the addition of Condition (L), which specifies the Board's finding. Messrs. J. Dumelle and B. Forcade dissented. (RF)

Respondent's motion for reconsideration of a November 29, 1990 Board Order in #90-182, S. Scott Coggeshall, was denied by a vote of 7-0. (BF)

Petitioner's motion to file a substitute brief in #90-183, Gallatin National, was granted by a vote of 7-0. (JA)

Agency motion to file its Administrative Record Instanter in #90-215, Spraying Systems, was granted by a vote of 7-0. (JCM)

An Order requesting additional comments on certain issues was adopted in #R90-24, Amendments to 35 Ill. Adm. Code 101.103(d) to Require Use of Recycled Paper for all Documents filed with the Board, was adopted by a vote of 7-0. (JTM)

This case was discussed and held to January 10, 1991 for further discussion or possible decision: #90-194, Village of Seneca.

This regulatory matter was discussed and held to January 10, 1991 for further discussion or possible decision: R87-37, PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order.

An Order directing the Petitioner to file its certificate of publication no later than January 7, 1991 or its petition will be subject to dismissal, was adopted in #AS 90-7, Petition of Quantum Chemical Corporation, USI Division for an Adjusted Standard from 35 Ill. Adm. Code 720.130, by a vote of 7-0. (JCM)

This Adjusted Standard was discussed and held to January 10, 1991 for further discussion or possible decision: #89-2, Elizabeth Street Foundry.

In new cases these actions were taken by a vote of 7-0: #90-184, EPA v. Hopper Paper Division, Pacific Georgia Corporation and Taylorville Sanitary District (Third Party Complaint), held for Duplicitous/Frivolous Determination of Third Party Complaint; 90-187, Herman W. Prescott v. City of Sycamore, Accepted for hearing and Respondent's motion to strike and dismiss complaint as frivolous was denied, Order by J.C. Marlin; 90-200, Vito Zivoli and Stella Podczerwinski v. Somebody's Bar and Restaurant, held for Duplicitous/Frivolous Determination; 90-224, City of Prospect Heights v. EPA, held for an Agency Recommendation; 90-225, BF Goodrich Corporation v. EPA, accepted for hearing, Order by B. Forcade; 90-226, City of Toluca v. EPA, held for an Agency Recommendation; 90-227, DMI, Inc. v. EPA, additional information requested, Order by B. Forcade; 90-228, City of Mt. Vernon v. EPA, additional information requested,

Order by B. Forcade; 90-229, North Suburban Public Utility Company v. EPA, held for an Agency Recommendation; 90-230, People of the State of Illinois v. F.S. Madison Service Company, hearing mandatory; 90-231, Frank Whitlock, Patricia Whitlock, Janet Bergman, Marvin Savage, Shirley Savage, individually and in their capacity as Representatives of an Organization known as Concerned Citizens Against Landfills v. Montgomery County Board of Supervisors, Robert Bishop, and Amanda Bishop, accepted for hearing, **Order by B. Forcade;** 90-232, Mobil Oil Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-233, Mobil Oil Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-234, DAP, Inc. v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-235, FPM Heat Treating, Inc. v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-236, Dixline Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-237, Burlington Northern Railroad v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-238, Metal finishing Research Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin;** 90-239, Madison County Conservation Alliance, Richard Worthen, Clarence Bohm, Harry Parker, George Arnold, Clinton Aufderheide, Mary Aufderheide, William Dorris and Mary Dorris v. Madison County and Environmental Control Systems, Inc., accepted for hearing, **Order by B. Forcade;** 90-240, Colwell General, Inc. v. EPA, accepted for hearing, **Order by B. Forcade;** R90-25, Amendments to the Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills: 35 Ill. Adm. Code 811, Petitioner's motion to waive 200 signature requirement granted and additional information requested, J. Dumelle concurred, **Order by J. Anderson;** R90-26, Solid Waste Rules for the Illinois Foundry and Steel Industries, Petitioner's motion to waive 200 signature requirement granted and additional information requested, J. Dumelle concurred, **Order by J. Anderson.**

A provisional variance was granted in new case #90-241, Indian Refining v. EPA, by a vote of 6-1. J. Dumelle dissented. (JCM)

These Administrative Citations were received by the Board: #90-95, Johnson Blackwell; 90-96, American Fly Ash Company; 90-97, Everett Allen.

An Order granting Petitioner's motion for leave to file a single copy of voluminous technical documents and requesting the Agency to file an amended response to the petition on or before February 1, 1991, was adopted in #AS 90-8, Petition of Olin Corporation for an Adjusted Standard from 35 Ill. Adm. Code 724 and 725 (related to Closure and Post Closure of RCRA Regulated Surface Impoundments), by a vote of 7-0. (JA)

Minutes of the November 29 and December 4, 1990 Board Meetings were approved by a vote of 7-0.

An Opinion and Order was adopted in #90-46, Rockford Drop Forge, by a vote of 5-2. J. Dumelle and J. Anderson dissented. (MN)

An Order dismissing the proceedings in #AC 90-88, Everett Allen, was adopted by a vote of 7-0. (JCM)

Petitioner's motion for modification was granted in #88-84, The Nutra-Sweet Company, by a vote of 7-0. (BF)

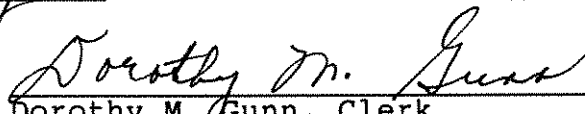
An Order advising Respondent that unless compliance is demonstrated by January 30, 1991, the Board may impose penalties as indicated in the Environmental Protection Act, was adopted in #89-151, Brian J. Peter, by a vote of 7-0. (RF)

An Order granting an Agency motion to further extend time for filing its Recommendation and directing the Hearing Officer to notify the three objectors of the hearing dates in accordance with the requirements set forth in the Board's procedural rules (35 Ill. Adm. Code 104.200(b)), was adopted in #90-189, Modine Manufacturing Company, by a vote of 7-0. (RF)

J.C. Marlin presented a draft Supplemental Opinion of the Board in #90-223, Commonwealth Edison Company, Zion Power Station. A request by J. Dumelle to hold the matter until the January 10, 1991 Board meeting was ruled out of order by the Chairman. An appeal from the ruling of the Chairman failed for want of a second. The Supplemental Opinion was then adopted by a vote of 6-1. J. Dumelle dissented. (JCM)

All other matters not disposed of as listed were ordered held to January 10, 1991 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 January, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 20, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 86-180 The Ceco Corporation (JTM)(open waiver)

- 89-61 Village of Beecher (JCM) _____
- * 90-46 Rockford Drop Forge (MN)(due) _____
- 90-88 People of the State of Illinois v. Eldon Swedberg (MN)
(Stip) _____
- 90-127 People of the State of Illinois v. Westvaco Corporation
(JA) (Stip) _____
- 90-139 People of the State of Illinois v. Illinois Valley
Paving Company (JA) (Stip) _____
- * 90-142 Pulitzer Community Newspapers (MN)(due)

- * 90-163 D & L Landfill (BF)(due) _____
- * 90-166 City of Genoa (RF)(due 12/20) _____
- R87-31 SO₂ Averaging, Adopted Rule, Final Order, Opinion and
Order (BF) _____
- R89-7 Repeal of NSPS and NESHAPS Rules, Proposed Rule, Second
(B) First Notice, Opinion and Order (JD)

- R90-11 RCRA Update, USEPA Regulations (April 1, 1990 through
June 30, 1990), Proposal for Public Comment, Proposed
Opinion and Order (PLEASE NOTE ERROR IN NUMBERING;
OPINION AND ORDER DISTRIBUTED AS R90-14)(JA)

* INDICATES VARIANCE OR PERMIT APPEAL

NEW CASES: (Cont'd)

R90-13 SDWA Update (January 1, 1990 through June 30, 1990),
Adopted Rule, Final Order, Opinion and Order (JA)

AC DECISIONS:

90-86 Roy Frietsch

90-87 Everett Allen

AC MOTIONS:

89-207 Chicago Heights Refuse Depot - Respondent's motion to
vacate November 2, 1989 Default Order (11/19), agency
motion in opposition to petition to vacate (11/29)(JCM)

89-231 Leon Lamet - Agency motion to substitute Respondent's
Estate as party respondent and to set for hearing
(10/12)(BF)

90-27 Johnson Blackwell - Agency motion to reconsider and
vacate August 30, 1990 Order (10/5), Agency motion to
file corrected motion (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), Agency response to November 29, 1990
Board Order (12/14)(JA)

90-88 Everett Allen - Board Order (JCM)

MOTIONS:

85-140 Citizens Utilities - Agency motion for extension of time
to file Brief (12/14)(MN)

MOTIONS: (Cont'd)

- 86-193 City of Freeport - Respondent's second petition to modify September 8, 1988 Supplemental Opinion and Final Order of the Board (11/15), Complainants' notice of withdrawal of attorney for certain Complainants and request for extension of time (12/17), Complainants' motion for extension of time to respond to Respondent's second petition to modify (12/19)(JCM)
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- 88-52 City of Ottawa - Petitioner's motion for modification of August 4, 1988 Board Order (12/3), Agency Response to Petitioner's motion for modification (12/19)(RF)
-
- 88-84 The Nutra-Sweet Company - motion for decision and modification (12/18)(JCM)
-
- 88-98 IBP, Inc. - Board Order (BF)
-
- 88-172 Allied-Signal - joint motion for modification of November 2, 1989 Board Order (11/19)(MN)
-
- 89-89 Motor Wheel Corporation - Petitioner's motion to dismiss (11/30)
-
- 89-151 Brian J. Peter - Respondent's Report of Abatement Procedures (11/1); Complainant's reply to Respondent's Report of Abatement Procedures (11/28)(RF)
-
- 89-170 Centralia Environmental Services - Respondent's motion to reconsider and modify October 25, 1990 Opinion and Order (11/29), Petitioner's motion for extension of time (12/13)(MN)
-
- 90-53 Industrial Fuels - Petitioner's motion for reconsideration of September 27, 1990 Opinion and Order (10/31)(JA)
-
- 90-126 Marathon Petroleum Company - agreed motion for consideration of partial settlement agreement (11/1)(JD)
-
- 90-145 Gallatin National Company - Complainants' motion to recuse Hearing Officer (11/29), Hearing Officer response to Complainants' motion to recuse Hearing Officer (12/4)(JD)
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- 90-146 Village of Matteson - motion for leave to take interlocutory appeal from December 17, 1990 ruling of Hearing Officer (12/18)
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MOTIONS: (Cont'd)

- 90-151 Thomas Steel Corporation - Complainant's motion to file an amended complaint (11/30) _____
- 90-161 Columbia Quarry - Respondent's motion to dismiss (11/26), Agency response to Respondent's motion to dismiss (12/5) _____
- 90-162 Village of Plainfield - Board Order (RF) _____
- 90-182 S. Scott Coggeshall - Respondents' motion for reconsideration of November 29, 1990 Board Order (12/6)(BF) _____
- 90-183 Gallatin National - Petitioner's motion to file substitute Brief (12/13)(JA) _____
- 90-189 Modine Manufacturing - Agency motion to further extend time for filing Agency Recommendation (12/3), Petitioner's response to Agency motion to further extend time for filing Agency Recommendation (12/10), Objection by Mark L. Bauer (12/18); Objection by Mary J. Killar (12/18); Objection by Lou Marchi (12/18) _____
- 90-215 Spraying Systems - Agency motion for leave to file Administrative Record Instantner (11/29) _____
- R90-24 Recycled Paper - Board Order (JTM) _____

DISCUSSIONS:

- * 90-194 Village of Seneca (JCM)(due 2/7) _____

FUTURE REGULATORY DISCUSSIONS:

- R87-37 PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order (JD) _____

ADJUSTED STANDARDS MOTIONS:

- 90-7 Quantum Chemical - Board Order (JCM) _____

ADJUSTED STANDARDS DISCUSSION:

89-2 Elizabeth Street Foundry (JD) _____

NEW CASES:

90-184 EPA v. Hopper Paper Division, Pacific Georgia Corporation and Taylorville Sanitary District (See Third Party Appeal filed 10/22) _____

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; Respondent's motion to strike and dismiss complaint as frivolous filed 11/29)(JCM) _____

90-200 Vito Zivoli and Stella Podczerwinski v. Somebody's Bar and Restaurant _____

90-224 City of Prospect Heights v. EPA _____

90-225 BF Goodrich Corporation v. EPA (BF) _____

90-226 City of Toluca v. EPA _____

90-227 DMI, Inc. v. EPA (BF) _____

90-228 City of Mt. Vernon v. EPA (BF) _____

90-229 North Suburban Public Utility Company v. EPA _____

90-230 People of the State of Illinois v. F.S. Madison Service Company _____

90-231 Frank Whitlock, Patricia Whitlock, Janet Bergman, Marvin Savage, Shirley Savage, individually and in their capacity as Representatives of an Organization known as Concerned Citizens Against Landfills v. Montgomery County Board of Supervisors, Robert Bishop, and Amanda Bishop (BF) _____

90-232 Mobile Oil Corporation v. EPA (Provisional Variance) (JCM) _____

90-233 Mobile Oil Corporation v. EPA (Provisional Variance) (JCM) _____

NEW CASES: (Cont'd)

- 90-234 DAP, Inc. v. EPA (Provisional Variance) (JCM)

- 90-235 FPM Heat Treating, Inc. v. EPA (Provisional Variance)
(JCM) _____
- 90-236 Dixline Corporation v. EPA (Provisional Variance) (JCM)

- 90-237 Burlington Northern Railroad v. EPA (Provisional
Variance) (JCM) _____
- 90-238 Metal Finishing Research Corporation v. EPA (Provisional
Variance) (JCM) _____
- 90-239 Madison County Conservation Alliance, Richard Worthen,
Clarence Bohm, Harry Parker, George Arnold, Clinton
Aufderheide, Mary Aufderheide, William Dorris and Mary
Dorris v. Madison County and Environmental Control
Systems, Inc. (BF) _____
- R90-25 Amendments to the Development, Operating and Reporting
Requirements for Non-Hazardous Waste Landfills: 35 Ill.
Adm. Code 811 _____
- R90-26 Solid Waste Rules for the Illinois Foundry and Steel
Industries (See also motion for Waiver of Signature
Requirements filed 12/3) _____

NEW AC CASES:

- 90-95 Johnson Blackwell _____
- 90-96 American Fly Ash Company _____
- 90-97 Everett Allen _____

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), Agency response to petition for
Adjusted Standard filed (12/11) _____

MINUTES:

November 29, 1990 _____

December 4, 1990 (Special Board Meeting) _____

PENDING CASES ASSIGNED (Cont'd)

- * 90-183 Gallatin National Company (JA)(due 1/24)
- * 90-216 Clean Quality Resources (MN)(due 3/14)
- 90-217 Raging Rivers Park (MN)
- 90-218 A.B. Dick Company (RF)
- * 90-219 GSF Energy, Inc. (JTM)(due 3/14)