

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JANUARY 25, 1990 CHICAGO, ILLINOIS

All Board Members were present. After calling the meeting to order, Chairman Marlin announced that since his voice was affected by a lingering cold, the meeting would be chaired by Board Member Joan Anderson.

Chairman Marlin presented a draft Interim Opinion and Order in #88-127, Koppers Company. The Interim Opinion and Order failed to carry by a 3-4 vote with J. Anderson, J. Marlin and M. Nardulli for it and J. Dumelle, R. Flemal, B. Forcade and J. Theodore Meyer against it.

An Opinion and Order was adopted in #88-207, Central Illinois Public Service, by a vote of 7-0. (MN)

An Opinion and order was adopted in #89-29, Village of Fox River, by a vote of 7-0. J. Theodore Meyer concurred. (BF)

An Order was adopted in #AC 89-138 (Docket A & B), Dr. John Donovan, by a vote of 7-0. (JM)

In R88-14, Abbott Laboratories Site-Specific, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JD)

A Resolution in response to a JCAR objection was adopted in RES 90-1 (R88-21(A), Water Toxics), by a vote of 5-2. J. Dumelle and M. Nardulli dissented and J. Theodore Meyer concurred. (RF)

In R88-21(A), Water Toxics, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-2. J. Dumelle and M. Nardulli dissented and J. Theodore Meyer concurred. (RF)

In R89-19, UST State Fund Regulatory Mandate, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), a Final Order, Adopted Rule, Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-11, UIC Update, USEPA Regulations (January 1, 1989 through November 30, 1989), 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: ##89-276, Rockford Speedway; 89-278, ESG Watts, Inc.; 89-279, Hershel Hancock; 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.; 89-294, Don Eichen.

An Order granting an Agency motion to amend the complaint on its face instanter and granting Respondent's motion to withdraw its petition for review in #AC 89-187, Waste Hauling Landfill, was adopted by a vote of 7-0. (JM)

An Order granting an Agency motion to dismiss respondent Farmers and Merchant State Bank as a party respondent and amending the complaint to show only Wayne Molen as a respondent, was adopted in #AC 89-196, Wayne Molen, by a vote of 7-0. The respondent Wayne Molen was also granted 35 days to file a Petition for Review. (JM)

An Order granting an Agency motion to dismiss and vacating an October 18, 1989 default Order in #AC 89-201, Fred Gocey, was adopted by a vote of 7-0. (JM)

An Order granting an Agency motion to amend the complaint on its face instanter and granting Respondent's motion to withdraw its petition for review in #AC 89-203, Waste Hauling Landfill, was adopted by a vote of 7-0. (JM)

An Order construing an Agency response to a December 20, 1989 Board Order as a motion to dismiss and vacating a November 15, 1989 default Order in #AC 89-213, Franklin Olson, was adopted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-237, Gary Jacobs, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-291, Roger Hill, was granted by a vote of 7-0. (JM)

Agency motion to withdraw the complaint in #AC 89-295, Decker Construction, was granted by a vote of 7-0. (JM)

By a vote of 7-0, the Board, on its own motion, adopted an Order requesting the Complainants to file a status report by February 28, 1990, in #87-139, Browning-Ferris Industries. (JD)

Petitioner's motions to withdraw counsel and leave to appear by Peter Wright were granted in #87-201, Monsanto Chemical Company, by a vote of 7-0. (JM)

Petitioner's motion to stay and an Agency motion to file instanter its response to Petitioner's motion to stay were denied in #88-98, IBP, by a vote of 7-0. (BF)

Petitioner's motion for summary judgment was denied in #89-116, Motor Oils Refining, by a vote of 7-0. (BF)

Since objections were filed a hearing was authorized in #89-210, Metro Utility Company, by a vote of 7-0. (BF)

By a vote of 7-0, an Order granting Petitioner's motion for expedited decision and advising Petitioner that the Board will act upon the rulemaking as quickly as possible consistent with the demands of its caseload, was adopted in R86-14, Borden Chemicals. (JTM)

Agency motion for extension of time to submit comments was granted for 30 days in R89-7(B), Continuous Monitoring Rules, by a vote of 7-0. (JD)

Agency motion for extension of time to respond to Stepan Company's Motion to Strike and Motion for Application of Section 28 Rulemaking Procedures was granted until February 9, 1990 in R89-16, RACT Deficiencies, by a vote of 7-0. (JD)

By a vote of 6-0, Petitioner's motion for extension of time in which to respond to a December 20, 1989 Board Order was granted until February 19, 1990 in R89-18, Calumet Industries. J. Dumelle abstained. (JM)

Motion to adopt the draft Interim Opinion and Order in #88-127, Koppers Company, failed by the same 3-4 vote as before and the matter was held to February 8, 1990 for further consideration.

These cases were discussed and held to February 8, 1990 for further discussion or possible decision: #89-66, Village of North Aurora; 89-130, Village of Malta.

These regulatory matters were discussed and held to February 8, 1990 for further discussion or possible decision: R87-36, Modine Site-Specific; R88-7, Landfill Regulations; R89-7(B), Continuous Monitoring Rules; R87-31, SO₂ Averaging.

In new cases these actions were taken by a vote of 7-0: #89-205, Vito Zivoli v. Prospect Dive and Sport Shop, Ltd. and Michael S. Ropers, accepted for hearing; 90-7, EPA v. Blue Tee Corporation (Azcon Scrap Division), hearing mandatory; 90-8, The City of Metropolis v. EPA, accepted for hearing, Order by B. Forcade; 90-9, Motorola, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-10, Taracorp Industries, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-11, Roper Corporation v. EPA, provisional variance granted, Order by J. Marlin.

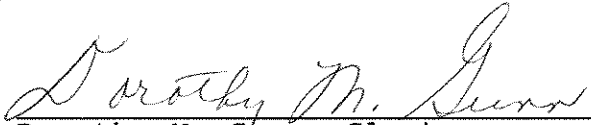
Since Petitions for Review were filed, these Administrative Citations will be set for hearing: #89-288, Multi-County Landfill; 89-290, Archer-Daniels-Midland; 89-292, Land and Lakes; 89-293, Land and Lakes; 89-299, City of Streator; 89-304, G.M. Wrecking Company.

These Administrative Citations were received by the Board:
##90-5, Daniel Wiege; 90-6, Wilbur Clair; 90-7, Roger Smith;
90-8, George Ribble; 90-9, John Donovan; 90-10, Everett Allen;
90-11, Gordon Lee; 90-12, John Donovan; 90-13, Anthony Jones;
90-14, W.W. Sanitation, Inc.

Minutes of the January 11, 1990 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to February 8, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 8th day of February, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 25, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 88-127 Koppers Company (JM) _____
- 88-207 Central Illinois Public Service (MN) _____
- 89-29 Village of Fox River Grove (BF) _____
- AC 89-138 Dr. John Donovan (JM) _____
(A & B)
- R88-5 Procedural Rules, Parts 102 and 106, Proposed Rule,
(B) Second Notice, Opinion and Order (JTM)

- R88-14 Abbott Laboratories Site-Specific, Proposed Rule, First
Notice, Opinion and Order (JD) _____
- RES-90-1 Water Toxics, Resolution in response to JCAR Objection
R88-21 (RF) _____
(A)
- R88-21 Water Toxics, Adopted Rule, Final Order, Opinion and
(A) Order (RF) _____
- R89-19 UST State Fund Regulatory Mandate, Proposal for Public
Comment, Proposed Opinion and Order (JA)

AC DECISIONS:

- 89-276 Rockford Speedway _____
- 89-278 ESG Watts, Inc. _____
- 89-279 Hershhal Hancock _____
- 89-280 Barter-Mitchell Contruction Company _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (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. _____
 89-294 Don Eichen _____

AC MOTIONS:

AC 88-76 E & E Hauling - Board Order (MN) _____
 88-77

89-132 Ray Schroeder - Respondent's motion to vacate July 27, 1089 Default Order (11/28), Agency motion to continue due date for response (1/16), Agency response to December 20, 1989 Board Order (1/22)(JM) _____

89-164 Kemp Manufacturing - Respondent's motion for relief from November 2, 1989 Default Order (11/17), Agency motion to continue due date for response (1/16), Agency response to December 6, 1989 Board Order (JM) _____

89-187 Waste Hauling Landfill - Agency motion to amend complaint on its face Instanter (1/16), Respondent's consolidated response to Agency motion to amend complaint (1/16) _____

89-191 Adolph Lo - Respondent's petition to reopen docket (11/13), Agency motion to continue due date for response (1/16), Agency response to December 6, 1989 Board Order (1/22)(JM) _____

89-196 Wayne Molen - Agency motion to dismiss a party respondent (1/11) _____

AC MOTIONS: (Cont'd)

- 89-201 Fred Gocey - Respondent's motion to vacate/reconsider October 18, 1989 Default Order (11/27), Agency motion to continue due date for response (1/16), Agency response to December 6, 1989 Board Order (1/22)(JM)
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- 89-202 James Laurenzana - Respondent's motion to vacate October 18, 1989 Default Order (12/11), Agency motion to continue due date for response (1/16), Agency response to December 20, 1989 Board Order (1/22)(JM)
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- 89-203 Waste Hauling Landfill - Agency motion to amend complaint on its face Instantner (1/16), Respondent's consolidated response to Agency motion to amend complaint (1/16)
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- 89-211 City of Palos Hills - Respondent's motion to vacate November 15, 1989 Default Order (12/5), Agency motion to continue due date for response (1/16), Agency response to December 20, 1989 Board Order (1/22)(JM)
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- 89-213 Frank Olson - Respondent's motion to vacate November 15, 1989 Default Order (See Respondent's letter filed December 6, 1989), Agency motion to continue due date for response (1/16), Agency response to December 20, 1989 Board Order (1/22)(JM)
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- 89-220 First Illinois Bank & Trust - Respondent Satellite Tank Wash's motion for relief from final Order (1/10), Respondent Satellite Tank Wash's amended motion for relief from final Order (1/16)(JM)
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- 89-237 Gary W. Jacobs - Agency motion to withdraw complaint and dismiss action (1/11), Agency motion to continue due date for response (1/16), Agency response to December 6, 1989 Board Order (1/22)(JM)
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- 89-291 Roger Hill - Agency motion to withdraw complaint and dismiss action (1/11)(JM)
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- 89-~~297~~
295 Decker Construction - Agency motion to withdraw complaint (1/16)
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Types on
Agencies Pleading

MOTIONS:

- 85-212 Village of Morton - Petitioner's motion to modify May 9, 1986 Order (1/8)(RF) _____
- 87-139 Browning-Ferris Industries - Status Report Order (JD) _____
- 87-201 Monsanto Chemical Company - motion to withdraw counsel (1/16) _____
- 88-98 IBP, Inc. - Petitioner's motion to stay (12/28), Agency response to motion to stay and Affidavit and motion to file Instanter (1/11)(BF) _____
- 88-173 Village of Lake Zurich - parties stipulation to dismiss complaint (1/23)(JTM) _____
- 89-61 Village of Beecher - Complainant's motion for judgment by default (1/16) _____
- 89-116 Motor Oils Refining Company - Petitioner's motion for summary judgment (1/4), Agency response to motion for summary judgment (1/10), Agency motion to file Permit Record Instanter (1/18) _____
- 89-210 Metro Utility Company - Objection (1/16), Objection (1/17), Objection (1/17), Objections (1/18), Objection (1/19), Objection (1/19), Objection (1/24)(BF) _____
- 90-2 Kester Solder Division - Agency motion to dismiss (1/12) _____
- R86-14 Borden Chemicals - Petitioner's motion for expedited decision (1/17)(JTM) _____
- R89-7 Continuous Monitoring Rules - Agency motion for extension of time to submit comments (1/23)(JD) (B) _____
- R89-16 RACT Deficiencies - Petitioner's objection, motion to strike and motion for application of Section 28 rulemaking procedures (1/10), Agency motion for extension of time to respond (1/23), motion to dismiss or sever proposed changes to the generic rule and SOCOMI leaks rule (1/24)(JD) _____
- R89-18 Calumet Industries - Petitioner's motion for extension of time (1/18) _____

DISCUSSIONS:

- * 89-66 Village of N. Aurora (RF)(due 3/22)_____
- * 89-130 Village of Malta (RF)(due 3/22)_____
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REGULATORY DISCUSSIONS:

- R87-36 Modine Site-Specific, Proposed Rule, Second Notice,
Opinion and Order (RF)_____
- R88-7 Landfill Regulations, Proposed Rule, Second Notice,
Opinion and Order (JA)_____
- R89-7 Continuous Monitoring Rules, Proposed Rule, Second
(B) Notice, Opinion and Order (JD)_____
- R87-31 SO₂ Averaging, Proposed Rule, First Notice, Proposed
Opinion and Order (JD)_____
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NEW CASES:

- 89-205 Vito Zivoli v. Prospect Dive and Sport Shop, Ltd. and
Michael S. Ropers_____
- 90-7 EPA v. Blue Tee Corporation (Azcon Scrap Division)

- 90-8 The City of Metropolis v. EPA (BF)

- 90-9 Motorola, Inc. v. EPA (Provisional Variance)(JM)

- 90-10 Taracorp Industries, Inc. v. EPA (Provisional Variance)
(JM)_____
- 90-11 Roper Corporation v. EPA (Provisional Variance)(JM)

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AC APPEALS:

- 89-288 Multi-County Landfill_____
- 89-290 Archer-Daniels-Midland_____
- 89-292 Land and Lakes_____

AC APPEALS: (Cont'd)

- 89-293 Land and Lakes _____
 - 89-299 City of Streator _____
 - 89-304 G.M. Wrecking Company _____
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NEW AC CASES:

- 90-5 Daniel Wiegel _____
 - 90-6 Wilbur Clair _____
 - 90-7 Roger Smith _____
 - 90-8 George Ribble _____
 - 90-9 John Donovan _____
 - 90-10 Everett Allen _____
 - 90-11 Gordon Lee _____
 - 90-12 John Donovan _____
 - 90-13 Anthony Jones _____
 - 90-14 W.W. Sanitation, Inc. _____
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MINUTES:

January 11, 1990 _____

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 (JTM)(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 88-76 E & E Hauling (MN)
88-77
AC 88-90 James Esarey (JM)
AC 88-93 City of Herrin (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)
AS 89-2 Elizabeth Street Foundry (JD)
AC 89-18 J & R Landfill (RF)
89-53 Lefton Iron & Metal (MN)
89-64 Gallagher Blacktop (BF)
89-65 Vaughn M. Bright (BF)
* 89-104 Metropolitan Waste Systems (JD)(due 6/21)
* 89-107 City of Geneva (JM)(due 3/22)
AC 89-109 Fairview Heights (JA)
* 89-129 National Environmental Services (BF)(due 3/22)
AC 89-131 ESG Watts, Inc. (MN)
AC 89-138 Dr. John J. Donovan (JM)
* 89-140 City of Minonk (MN)(due 5/10)
AC 89-156 John Gordon (BF)
89-160 P.L. Dillon Limestone (RF)
* 89-183 City of Batavia (JM)(due 3/22)
* 89-188 City of East Moline (JD)(due 4/26)
* 89-210 Metro Utility Company (RF)(due 4/12)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 25, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), Final Order, Adopted Rule, Opinion and Order (JA) _____
- R89-11 UIC Update, USEPA Regulations (January 1, 1989 through November 30, 1989), Proposal for Public Comment, Proposed Opinion and Order (JA) _____