

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
FEBRUARY 8, 1990 CHICAGO, ILLINOIS

All Board Members were present.

An Interim Order was adopted in ##AC 88-76, -77 (Docket B), E & E Hauling, by a vote of 6-1. Board Member J. Anderson dissented and Messrs. J. Marlin and J. Theodore Meyer concurred. (MN)

An Interim Opinion and Order was adopted in #88-127, Koppers Company, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and R. Flemal dissented and Board Member J. Theodore Meyer concurred on the Opinion only. (JM)

An Opinion and Order was adopted in #89-65, Vaughn M. Bright, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #89-66, Village of North Aurora, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and M. Nardulli dissented. (RF)

An Opinion and Order was adopted in #89-130, Village of Malta, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and M. Nardulli dissented. (RF)

In R86-14, Borden Chemicals, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R88-5(B), Procedural Rules, Parts 102 and 106, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R90-8, Amendments to 35 Ill. Adm. Code 105.102: Repeal of De Novo Hearings for Appeals of NPDES Permits, a Proposed Rule, First Notice Opinion and Order was adopted by a vote of 6-1. Board Member J. Anderson dissented. (BF)

Default Orders were adopted in these Administrative Citations: ##89-297, Decker Construction Company; 89-298, James Rhodes; 89-300, Lawrence County Disposal Centre; 89-301, Dove Enterprises; 89-302, Everett Allen.

By a vote of 7-0, the Board vacated its July 27, 1989 Default Order and granted the Agency's motion to dismiss in #AC 89-132, Ray Schroeder. (JM)

By a vote of 7-0, the Board vacated its November 2, 1989 Default Order in #AC 89-164, Kemp Manufacturing, and in addition, directed the Clerk to set the matter for hearing and to attach, for the Respondent's information, Sections 21(p), 21(q), 31.1, 32 and 42(b)(4) of the Environmental Protection Act. (JM)

By a vote of 7-0, the Board vacated its October 18, 1989 Default Order in #AC 89-191, Adolph Lo, and in addition, directed the Clerk to set the matter for hearing and to attach for the Respondent's information, Sections 21(p), 21(q), 31.1, 32 and 42(b)(4) of the Environmental Protection Act. (RF)

By a vote of 7-0, the Board vacated its October 18, 1989 Default Order in #AC 89-202, James Laurenzana, and in addition, directed the Clerk to set the matter for hearing and to attach for the Respondent's information, Sections 21(p), 21(q), 31.1, 32 and 42(b)(4) of the Environmental Protection Act. (JA)

Respondent's motion to vacate a November 15, 1989 Default Order in #AC 89-211, City of Palos Hills, was denied by a vote of 6-1. J. Dumelle dissented. (JA)

Respondent Satellite Tank Wash's amended motion for relief from the Board's Final Order in #AC 89-220, First Illinois Bank and Trust, was denied by a vote of 7-0. (JA)

An Agency motion to withdraw the complaint and to dismiss the action in #AC 89-247, Kissner Company, was granted by a vote of 7-0. (JM)

Respondent's motion to withdraw its Petition for Review in #AC 89-253, City of Freeport, was granted and unless the penalty has already been paid, within 30 days the Respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00. (JM)

An Agency motion to withdraw the complaint and dismiss the action in #AC 89-261, City of Colchester, was granted by a vote of 7-0. (JM)

Respondent's petition for leave to file a Petition for Review in #AC 89-277, Thomas Martin, was denied by a vote of 7-0. (JA)

An Agency motion to withdraw in #AC 89-303, Charles Williamson, was granted by a vote of 7-0. (JM)

An Agency motion to withdraw the complaint and dismiss the action in #AC 90-8, George Ribble, was granted by a vote of 7-0. (JM)

An Order directing the Agency to file before February 20, 1990, an appropriate affidavit in support of its motion to withdraw the complaint and dismiss the action in #AC 89-198, General Iron Industries, or the motion will be subject to automatic denial, was adopted by a vote of 7-0. (JD)

Petitioner's motion to modify a May 9, 1986 Board Order in #85-212, Village of Morton, was granted until September 30, 1992 by a vote of 7-0. Board Member J. Dumelle concurred. (RF)

The parties stipulation to dismiss the complaint in #88-173, Village of Kildeer, was granted by a vote of 7-0. (JTM)

Complainant's motion for judgment by default in #89-61, Thomas J. Fredette, was denied by a vote of 6-1. Board Member J. Anderson dissented. (JM)

Petitioner's motion to appear before the Board pro hac vice for Michael E. Born in #89-89, Motor Wheel Corporation, was granted by a vote of 7-0. (BF)

Petitioner's agreed motion to dismiss in #89-96, Cerro Copper Products, was granted by a vote of 7-0. (BF)

Petitioner's motion to dismiss in #89-133, Union Oil Company of California, was granted by a vote of 7-0. (BF)

An Agency motion for dismissal of the permit appeal in #89-189, The Jennison-Wright Corporation, was denied by a vote of 7-0. (BF)

Petitioner's motion to dismiss in #89-195, Bulk Molding Compounds, was granted by a vote of 7-0. (BF)

An Agency motion to dismiss the permit appeal in #90-2, Kester Solder Division of Litton Systems, was granted by a vote of 7-0. (JA)

Petitioner's motion for an expedited decision in R87-35, East Moline Site-Specific, was granted and Petitioner was advised that barring any unforeseen circumstances, the Opinion and Order will be placed on the decision agenda for the Board's March 8, 1990 meeting. The vote was 7-0. (JA)

An Order was adopted pursuant to a motion to dismiss or sever proposed changes to the Generic Rule and SOCOMI Leaks Rule filed by the Industry Group in R89-16, RACT Deficiencies, by a vote of 7-0. (JD)

This case was discussed and held to February 22, 1990 for further discussion or possible decision: #89-129, National Environmental Services.

These actions were taken in the following regulatory matters: R87-31, SO<sub>2</sub> Averaging (re-assigned from J. Dumelle to B. Forcade); R88-7, Landfill Regulations, will be discussed at a special Board Meeting to be held during the week of February 12; R88-25, City of Havana CSO and R88-30(A), Gasoline Volatility, both held to February 22, 1990 for further discussion or possible decision.

This amended petition was accepted by the Board: #89-183, City of Batavia.

In new cases these actions were taken by a vote of 7-0: ##90-12, People of the State of Illinois v. Hysan Corporation, hearing mandatory; 90-13, People of the State of Illinois v. ABC Rail Corporation, hearing mandatory; 90-14, People of the State of Illinois v. PQ Corporation, hearing mandatory; 90-15, People of the State of Illinois v. Wisconsin Can Company, hearing mandatory; 90-16, People of the State of Illinois v. Solo Cup Company; hearing mandatory; 90-17, People of the State of Illinois v. United States Department of the Navy, held to February 22, 1990 for further consideration; 90-18, People of the State of Illinois v. Robert A. Propheter d/b/a Bob Propheter Construction Company, hearing mandatory; 90-19, People of the State of Illinois v. DuPage Plating Company, Inc., hearing mandatory; 90-20, Jefferson Smurfit Corporation v. EPA, Board made no finding on whether the petition was timely filed and accepted the matter for hearing, **Order by B. Forcade**; 90-21, United City of the Village of Yorkville v. EPA, held for an Agency Recommendation; 90-22, Douglas Furniture v. EPA, accepted for hearing, **Order by B. Forcade**; R90-7, Amendments to Agriculture Related Pollution, Title 35: Subtitle E, Chapter 1, Part 501, Agency Proposal accepted for hearing and publication; R90-8, Amendments to 35 Ill. Adm. Code 105.102: Repeal of De Novo Hearings for Appeals of NPDES Permits, **SEE DECISIONS**.

Because Petitions for Review were filed, these Administrative Citations will be accepted for hearing: ##89-296, Robert A. Sanvi; 89-306, Walter Rockamann.

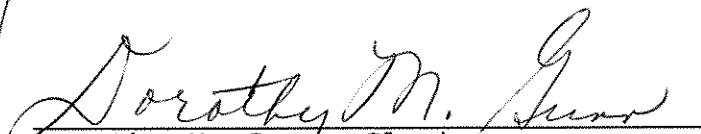
These Administrative Citations were received by the Board: ##90-15, Everett Allen; 90-16, Frank Edwards; 90-17, Clarence Weatherford.

Minutes of the January 25, 1990 Board Meeting were approved by a vote of 7-0.

The Board decided to hold a special Board Meeting during the week of February 12, 1990. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to February 22, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 22<sup>nd</sup> day of February, 1990, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
FEBRUARY 8, 1990 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

AC 88-76 E & E Hauling (MN) \_\_\_\_\_  
88-77 \_\_\_\_\_

88-127 Koppers Company, Interim Opinion and Order (JM)  
\_\_\_\_\_

89-65 Vaughn M. Bright (BF) \_\_\_\_\_

\* 89-66 Village of N. Aurora (RF)(due 3/22) \_\_\_\_\_

\* 89-130 Village of Malta (RF)(due 3/22) \_\_\_\_\_

R86-14 Borden Chemicals, Proposed Rule, First Notice, Opinion  
and Order (BF) \_\_\_\_\_

R87-36 Modine Site-Specific, Proposed Rule, Second Notice,  
Opinion and Order (RF) \_\_\_\_\_

R88-5 Procedural Rules, Parts 102 and 106, Proposed Rule,  
(B) Second Notice, Opinion and Order (JTM)  
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R90-8 Amendments to 35 Ill. Adm. Code 105.102: Repeal of De  
Novo Hearings for Appeals of NPDES Permits, Proposed  
Rule, First Notice, Opinion and Order (BF)  
\_\_\_\_\_

AC DECISIONS:

89-297 Decker Construction Company \_\_\_\_\_

89-298 James Rhodes \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

- 89-300     Lawrence County Disposal Centre \_\_\_\_\_
- 89-301     Dove Enterprises \_\_\_\_\_
- 89-302     Everett Allen \_\_\_\_\_
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AC MOTIONS:

- 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)
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- 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)
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- 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), Respondent's reply to Agency's response to December 6, 1989 Board Order (2/6)(RF)
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- 89-198     General Iron Industries - Agency motion to withdraw complaint and dismiss action (2/5), Respondent's objection to Agency's motion to withdraw complaint and dismiss action (2/5)(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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- 89-211     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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- 89-220     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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**AC MOTIONS:** (Cont'd)

- 89-247 Kissner Company - Agency motion to withdraw complaint and dismiss action (2/5)(JM)\_\_\_\_\_
- 89-253 City of Freeport - Respondent's motion to withdraw Petition for Review (1/29)(JM)\_\_\_\_\_
- 89-261 City of Colchester - Agency motion to withdraw complaint and dismiss action (1/29)(JM)\_\_\_\_\_
- 89-277 Thomas Martin - Respondent's petition for leave to file Petition for Review (2/1), Agency response to Respondent's petition for leave to file Petition for Review (2/6)(Note: Default Order issued at January 11, 1990 Board Meeting)(JM)\_\_\_\_\_
- 89-303 Charles Williamson - Agency motion to withdraw (2/5)(JM)\_\_\_\_\_
- 90-8 George Ribble - Agency motion to withdraw complaint and dismiss action (1/29)(JM)\_\_\_\_\_

**MOTIONS:**

- 85-212 Village of Morton - Petitioner's motion to modify May 9, 1986 Order (1/8), Agency response to motion to modify Board Order and Affidavit (1/25)(RF)\_\_\_\_\_
- 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)\_\_\_\_\_
- 89-89 Motor Wheel Corporation - Petitioner's motion to appear before the Board Pro Hac Vice (2/5)(BF)\_\_\_\_\_
- 89-96 Cerro Copper Products - agreed motion to dismiss (2/5)(BF)\_\_\_\_\_
- 89-116 Motor Oils Refining - Stipulation to dismiss permit appeal (2/2), Petitioner's response to January 25, 1990 Board Order (2/7)(BF)\_\_\_\_\_
- 89-133 Union Oil Company - Petitioner's motion to dismiss (1/25)(BF)\_\_\_\_\_

MOTIONS: (Cont'd)

- 89-176 Waste Management - Petitioner's motion for withdrawal of petition (2/7) \_\_\_\_\_
- 89-189 Jennison-Wright - Agency motion for dismissal of permit appeal (12/4), Petitioner's Brief in opposition to Agency's motion for dismissal of permit appeal (12/28), Agency's response to Petitioner's Brief in opposition to Agency's motion for dismissal of permit appeal (2/5)(BF) \_\_\_\_\_
- 89-190 Ravenswood Health Enterprises - Agency motion to amend the complaint (2/1) \_\_\_\_\_
- 89-195 Bulk Molding Compounds - Petitioner's motion to dismiss (2/7)(Note: Hearing date set for February 22, 1990 in this case) \_\_\_\_\_
- 90-2 Kester Solder Division - Agency motion to dismiss (1/12) \_\_\_\_\_
- 90-3 Calvary Temple Church - Agency motion to file modified permit record (1/31) \_\_\_\_\_
- 90-8 City of Metropolis - Petitioner's motion for summary judgment (2/5) \_\_\_\_\_
- R87-35 East Moline Site-Specific - Petitioner's motion for an expedited decision (2/2)(JA) \_\_\_\_\_
- R89-16 RACT Deficiencies - Petitioner's objection, motion to strike and motion for application of Section 28 rulemaking procedures (1/10), motion to dismiss or sever proposed changes to the generic rule and SOCFI leaks rule filed by the Illinois Environmental Regulatory Group et al. (1/24), Agency motion in response to Industry Groups motion to dismiss or sever proposed changes to the generic rule and SOCFI leaks rule (1/31)(JD) \_\_\_\_\_

DISCUSSIONS:

- \* 89-129 National Environmental Services (due 3/22)(BF) \_\_\_\_\_

REGULATORY DISCUSSIONS:

- R87-31 SO<sub>2</sub> Averaging, Proposed Rule, First Notice, Proposed Opinion and Order (JD) \_\_\_\_\_



REGULATORY DISCUSSIONS: (Cont'd)

- R88-7 Landfill Regulations, Proposed Rule, Second First  
Notice, Opinion and Order (JA) \_\_\_\_\_
- R88-25 City of Havana CSO, Proposed Rule, Second Notice,  
Proposed Opinion and Order (MN) \_\_\_\_\_
- R88-30 Gasoline Volatility, Adopted Rule, Final Opinion and  
(A) Order (JD) \_\_\_\_\_
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AMENDED PETITIONS:

- 89-183 City of Batavia (filed 2/7)(JM) \_\_\_\_\_
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NEW CASES:

- 90-12 People of the State of Illinois v. Hysan Corporation  
\_\_\_\_\_
- 90-13 People of the State of Illinois v. ABC Rail Corporation  
\_\_\_\_\_
- 90-14 People of the State of Illinois v. PQ Corporation  
\_\_\_\_\_
- 90-15 People of the State of Illinois v. Wisconsin Can Company  
\_\_\_\_\_
- 90-16 People of the State of Illinois v. Solo Cup Company  
\_\_\_\_\_
- 90-17 People of the State of Illinois v. United States  
Department of the Navy \_\_\_\_\_
- 90-18 People of the State of Illinois v. Robert A. Propheter  
d/b/a Bob Propheter Construction Company (Note: the  
Attorney General's Office stated that it will re-serve  
this complaint by certified mail on 2/7)  
\_\_\_\_\_
- 90-19 People of the State of Illinois v. DuPage Plating  
Company, Inc. (Note: the Attorney General's Office  
stated that it will re-serve this complaint by certified  
mail on 2/7)  
\_\_\_\_\_
- 90-20 Jefferson Smurfit Corporation v. EPA (BF)  
\_\_\_\_\_

**NEW CASES: (Cont'd)**

R90-7 Amendments to Agriculture Related Pollution, Title 35:  
Subtitle E, Chapter 1, Part 501 \_\_\_\_\_

R90-8 Amendments to 35 Ill. Adm. Code 105.102: Repeal of De  
Novo Hearings for Appeals of NPDES Permits (SEE  
DECISIONS)

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**ADJUSTED STANDARDS:**

90-1 Petition of the City of Jacksonville (See also Motion to  
file a limited number of copies of the Appendices to the  
Petition filed 1/31) \_\_\_\_\_

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**AC APPEALS:**

89-296 Robert A. Sanvi \_\_\_\_\_

89-306 Walter Rockamann \_\_\_\_\_

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**NEW AC CASES:**

90-15 Everett Allen \_\_\_\_\_

90-16 Frank Edwards \_\_\_\_\_

90-17 Clarence Weatherford \_\_\_\_\_

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**MINUTES:**

January 25, 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)  
88-127 Koppers Company (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)  
\* 89-104 Metropolitan Waste Systems (JD)(due 6/21)  
\* 89-107 City of Geneva (JM)(due 3/22)  
AC 89-109 Fairview Heights (JA)  
AC 89-131 ESG Watts, Inc. (MN)  
AC 89-138 Dr. John J. Donovan (JM)  
\* 89-140 City of Minonk (MN)(due 5/10)  
89-151 Geneva Meat & Fish Market (RF)  
AC 89-156 John Gordon (BF)  
89-160 P.L. Dillon Limestone (RF)  
89-161 Technical Products (BF)  
89-162 Family Enterprises (MN)  
\* 89-170 Centralia Environmental Services (MN)(due 3/22)  
\* 89-183 City of Batavia (JM)(due 6/21)  
\* 89-188 City of East Moline (JD)(due 4/26)  
\* 89-210 Metro Utility Company (RF)(due 4/26)