

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
MARCH 22, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AC 88-93 (Docket B), City of Herrin, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #89-107, City of Geneva, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JM)

An Interim Opinion and Order was adopted in #89-151, Brian J. Peter, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #89-192, Northrop Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

In R87-34, City of Rock Island Site-Specific, an Opinion and Order was adopted by a vote of 7-0. (JA)

In R87-36, Modine Site-Specific, a Proposed Rule, Second Notice, Supplemental Opinion and Order was adopted by a vote of 7-0. (RF)

Om R88-30(A), Gasoline Volatility, an Emergency Rule, Proposed Opinion and Order was adopted by a vote of 7-0. J. Theodore Meyer will prepare a supplemental statement. (JD)

In R90-5, UIC Update, USEPA Regulations (July 1, 1989 through December 31, 1989), a dismissal Order was adopted by a vote of 7-0. (JA)

In R90-6, Pretreatment Update, USEPA Regulations (July 1, 1989 through December 31, 1989), a dismissal Order was adopted by a vote of 7-0. (JA)

In R90-7, Agriculture Related Pollution (Part 501), an EcIS Determination Order was adopted by a vote of 7-0. (RF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #90-15, Everett Allen; 90-17, Clarence Weatherford.

Agency motion to withdraw the complaint in #AC 88-90, James Esarey, was granted by a vote of 4-3. Messrs. J. Dumelle, J. Theodore Meyer and M. Nardulli dissented. (JM)

By a vote of 6-1, the Respondent was ordered to pay, within 30 days of the date of the entry of this Order, \$629.37 as compensation for hearing costs incurred by the Board in

#AC 89-138, Dr. John Donovan. J. Theodore Meyer dissented.
(JM)

By a vote of 7-0, Agency motion to enter an Order of Default against the City of Creal Springs was granted and unless the penalty has already been paid, within 30 days of the date of the entry of this Order, the Respondent was ordered to pay a penalty of \$500.00 in #AC 89-200, George Jones and the City of Creal Springs. (JM)

By a vote of 7-0, Agency motion to amend the complaint instanter on its face in #AC 89-245, Bob White, was granted and the complaint was amended to delete the violation of Section 21(f)(3) thereby reducing the penalty to \$500.00. Unless Respondent moves to dismiss its Petition for Review and remits the civil penalty, this matter shall proceed to hearing. (JM)

By a vote of 7-0, notice of withdrawal of appearance as counsel for Respondent filed by Mohan, Alewelt, Prillaman and Adami, was accepted and Agency motion to consolidate and continue hearing was granted in ##AC 89-289, -290, James Gilmer and Archer Daniels-Midland. The Clerk's office was directed to notify both Hearing Officers and assign a single Hearing Officer to hear the consolidated cases. (BF)

By a vote of 7-0, an Order was adopted pursuant to Respondent's motion for reconsideration of a February 22, 1990 Default Order adopted in #AC 90-7, Roger Smith. (JM)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's motion for clarification of an April 1, 1987 Opinion and Order in #86-2, City of LaSalle CSO. (JTM)

Petitioner's motion to dismiss was granted in #88-153, Fiat-Allis of North America, by a vote of 7-0. (BF)

Complainant's second motion for judgement by default was granted and the Hearing Officer was directed to schedule a hearing to take evidence on the relief requested by the Complainant in #89-61, Thomas Fredette. (JM)

By a vote of 7-0, the Board upon its own motion, dismissed the proceedings and requested that the Clerk contact the parties to cancel the hearing previously scheduled in #89-63, John and Martha Metropulos. (JM)

Motion to withdraw as counsel for Petitioner in #89-118, Highland Supply Corporation, filed by Joseph G. Nassif et al. was granted by a vote of 7-0. (JM)

Stipulation to dismiss the permit appeal with prejudice in #89-150, Sushi, Ltd., was granted by a vote of 7-0. (BF)

Petitioner's motion for extension of time to file its Brief was

granted until April 2, 1990 and Agency motion to exclude Petitioner's Brief and decide proceeding based upon the existing record was denied in #89-170, Centralia Environmental Services, by a vote of 7-0. (MN)

An agreed motion to Stay Compliance Schedule for Closure Activities for ninety (90) days was granted in #90-24, Rock-Ola Manufacturing Corporation, by a vote of 7-0. (BF)

Petitioner's motion for leave to file a single copy of Group Exhibits 1 and 2 was granted in R88-14, Abbott Laboratories, by a vote of 7-0. (JD)

By a vote of 7-0, an Order was adopted pursuant to an Agency motion to reverse a February 23, 1990 Hearing Officer Order and Petitioner's motion for summary judgment in #89-184, The Grigoleit Company. B. Forcade concurred. (JM)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's motion to strike portions of the administrative record and motion to supplement the administrative record in #90-8, The City of Metropolis. (JA)

These cases were discussed and held to April 12, 1990 for further discussion or possible decision: ##86-56, Trilla Steel Drum (Remand); 88-199, Seegers Grain; AC 889-18, J & R Landfill; 89-53, Lefton Iron and Metal; 89-188, City of East Moline.

By a vote of 7-0, an Order was adopted pursuant to an amended petition filed in #89-183, City of Batavia. B. Forcade concurred. (JA)

In new cases these actions were taken by a vote of 7-0: ##90-36, H & L Disposal Company, Inc. v. EPA, accepted for hearing and motion for leave to file amended permit appeal granted and 120-day decision timeclock restarted with its filing, Order by B. Forcade; 90-37, EPA v. Nesco Steel Barrel Company, hearing mandatory; 90-38, Village of Mount Morris v. EPA, provisional variance granted, J. Dumelle concurred, Order by J. Marlin; 90-39, City of Polo v. EPA, provisional variance granted, J. Dumelle concurred, Order by J. Marlin; 90-40, Waste Management of Illinois, Inc. v. EPA, accepted for hearing, Order by B. Forcade.

These Administrative Citations were received by the Board: ##90-21, McHenry County Sanitary Landfill and Recycling Center, Inc.; 90-22, Waste Management of Illinois, Inc.

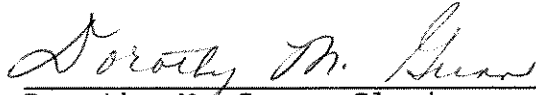
These actions were taken by a vote of 7-0 in these Administrative Citations: ##90-23, Steve Zimmerman and Waste Limited, Inc., Complainant ordered to correct enumerated deficiencies noted within the citation documents within ten (10) days, or citation may be subject to dismissal, Order by J. Marlin; 90-24, Steve Zimmerman and Waste Limited, Inc., Complainant ordered to correct enumerated deficiencies noted within the citation documents

within ten (10) days, or citation may be subject to dismissal,
Order by J. Marlin.

Minutes of the March 8 and March 16, 1990 Board Meetings were
approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to
April 12, 1990 for possible consideration. (Thereafter the
meeting was recessed until 2:00 p.m.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, hereby certify that the above Minutes were approved this
12th day of April, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 22, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 88-93 City of Herrin (JM) _____
(B)
- * 89-107 City of Geneva (JM)(due) _____
- 89-151 Geneva Meat and Fish Market, Interim Opinion and Order
(RF) _____
- 89-192 Northrop Corporation (JM) _____
- R87-34 City of Rock Island Site-Specific, Opinion and Order
(JA) _____
- R87-36 Modine Site-Specific, Proposed Rule, Second Notice,
Supplemental Opinion and Order (RF)

- R88-30 Gasoline Volatility, Emergency Rule, Proposed Opinion
(C) and Order (JD) _____
- R89-17 California Motor Vehicle Standards, Proposed Rule, First
Notice, Opinion and Order (JTM) _____
- R90-5 UIC Update, USEPA Regulations (July 1, 1989 through
December 31, 1989), Dismissal Order (JA)

- R90-6 Pretreatment Update, USEPA Regulations (July 1, 1989
through December 31, 1989), Dismissal Order (JA)

- R90-7 Agriculture Related Pollution (Part 501), EcIS
Determination Order (RF) _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

- 90-15 Everett Allen _____
- 90-17 Clarence Weatherford _____

AC MOTIONS:

- 88-90 James Esarey - Agency motion to withdraw complaint
(3/20)(JM) _____
- 89-138 Dr. John Donovan - Agency response to March 8, 1990
Board Order (3/14)(JM) _____
- 89-200 George Jones - Agency motion to enter an Order of
default against Respondent City of Creal Springs
(3/20)(JM) _____
- 89-245 Bob White - Agency motion to amend complaint instanter
on its face (3/13)(JM) _____
- 89-289 James Gilmer - notice of withdrawal of appearance as
89-290 counsel for Respondent (3/13), Agency motion to
consolidate and continue hearing (3/14), Respondent's
response to Agency motion to consolidate (3/20)(JM)

- 90-7 Roger Smith - Respondent's motion for reconsideration of
February 22, 1990 Default Order (3/8)(JM)

MOTIONS:

- 86-2 City of LaSalle CSO - Petitioner's motion for
clarification of April 1, 1987 Opinion and Order
(3/2)(JTM) _____
- 88-153 Fiat-Allis of North America - Petitioner's motion to
dismiss (3/20) _____
- 88-180 City of Ottawa - Petitioner's petition for modification
of April 27, 1989 Board Order (3/9)(MN)

- 89-19 Daniel & Helen Lorden - Respondent's motion to dismiss
(3/20) _____
- 89-61 Thomas Fredette - Complainant's second motion for
judgment by default (2/26) _____

MOTIONS: (Cont'd)

- 89-63 John & Martha Metropulos - Village of Lake Zurich
response to March 8, 1990 Board Order (3/13), Objector
William Braithwaite response to March 8, 1990 Board
Order (3/19)
-
- 89-118 Highland Supply - Petitioner's notice of withdrawal of
appearance by Joseph Nassif (3/19)
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- 89-150 Sushi, Ltd. - stipulation to dismiss permit appeal
(3/13)
-
- 89-170 Centralia Environmental Services - Petitioner's motion
for extension of time to file Brief (3/20), Agency
motion to exclude Petitioner's Brief and decide
proceeding based upon the existing record (3/20)(MN)
-
- 89-184 The Grigoleit Company - Agency motion to reverse Hearing
Officer's February 23, 1990 Order (3/1); Petitioner's
motion for summary judgment (3/2); Agency response to
Petitioner's motion for summary judgment (3/12),
Petitioner's response to Agency motion to reverse the
Hearing Officer's February 23, 1990 Order and argument
and Memorandum of Law in support thereof (3/14)
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- 90-8 The City of Metropolis - Petitioner's motion to strike
portions of administrative record and motion to
supplement administrative record (3/16)
-
- 90-24 Rock-Ola Manufacturing - agreed motion to stay
compliance schedule for closure activities (3/14)
-
- 90-33 National Steel - Agency motion to dismiss (3/19)
-
- R88-14 Abbott Laboratories - Petitioner's motion for leave to
file a single copy of Group Exhibits 1 and 2 (3/12)
(Note: Hearing Officer referred this motion to the
Board for disposition)(JD)
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- R88-30 Gasoline Volatility - USEPA's motion to reconsider
(A) February 15, 1990 Opinion and Order (3/16)(JD)
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- R89-16 RACT Deficiencies - Agency motion to reconsider February
15, 1990 Board Order (3/15)(JD)
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DISCUSSIONS:

- 86-56 Trilla Steel Drum (Remand)(JD) _____
- 88-199 Seegers Grain (JM) _____
- AC 89-18 J & R Landfill (RF) _____
- 89-53 Lefton Iron & Metal (MN) _____
- * 89-188 City of East Moline (JTM)(due 4/26) _____
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REGULATORY DISCUSSIONS:

- RES-90-2 RCRA Update, USEPA Regulations (August 1, 1988 through
R89-1 December 31, 1988), Resolution and Order in response to
JCAR Objection (JA) _____
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AMENDED PETITIONS:

- 89-183 City of Batavia (filed 3/14)(JM) _____
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NEW CASES:

- 90-36 H & L Disposal Company, Inc. v. EPA (See also motion for
leave to file amended permit appeal filed 3/21)

- 90-37 EPA v. Nesco Steel Barrel Company

- 90-38 Village of Mount Morris v. EPA (Provisional
Variance)(JM) _____
- 90-39 City of Polo v. EPA (Provisional Variance)(JM)

- 90-40 Waste Management of Illinois, Inc. v. EPA

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NEW AC CASES:

- 90-21 McHenry County Sanitary Landfill and Recycling Center,
Inc. _____

NEW AC CASES: (Cont'd)

- 90-22 Waste Management of Illinois, Inc. _____
 - 90-23 Steve Zimmerman and Waste Ltd., Inc. (Please note
 deficiencies in Citation)(JM) _____
 - 90-24 Steve Zimmerman and Waste Ltd., Inc. (Please note
 deficiencies in Citation)(JM) _____
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MINUTES:

- March 8, 1990 _____
- March 16, 1990 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

* 85-95 Citizens Utilities (Remand)(JA)
 * 85-140 Citizens Utilities (Remand)(MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-1 City of Peru CSO (JTM)
 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)
 87-191 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)
 AC 88-93 City of Herrin (JM)
 88-127 Koppers Company (JM)
 * 88-193 General Motors Corporation (JD)(due 4/12)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 AS 89-2 Elizabeth Street Foundry (JD)
 AC 89-18 J & R Landfill (RF)
 89-64 Gallagher Blacktop (BF)
 AC 89-109 Fairview Heights (JM)
 * 89-129 National Environmental Services (BF)(due 7/29)
 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)
 89-162 Family Enterprises (MN)
 * 89-170 Centralia Environmental Services (MN)(due 4/26)
 * 89-183 City of Batavia (JM)(due 6/21)
 89-186 Bulk Molding Compounds (BF)
 89-187 UNR-ROHN & Robert Penn (JA)
 89-190 Ravenswood Hospital (JA)
 89-206 Chicago Steel Container (JD)
 * 89-210 Metro Utility Company (RF)(due 4/26)
 * 89-213 Illinois Power Company (BF)(due 6/21)
 AC 89-258 Donald Taylor (BF)
 * 90-3 Calvary Temple Church (RF)(due 4/26)
 * 90-21 United City of the Village of Yorkville (RF)(due 6/7)
 * 90-23 Village of Mundelein (JA)(due 6/7)