

**MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 27, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

Board Member J. Anderson presented a draft Opinion and Order in #90-53, Industrial Fuels and Resources. Thereafter Chairman Marlin called for separate votes on the Opinion and Order which were recorded as follows: The Order upholding the City of Harvey's decision denying site location suitability approval for a regional pollution control facility was adopted by a vote of 5-2. J. Theodore Meyer and M. Nardulli dissented. The Opinion was adopted by a vote of 5-2. J. Dumelle and R. Flemal dissented and J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #90-104, L & B Wood Corporation, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (MN)

In R87-31, SO₂ Averaging, a Proposed Rule, Second Notice, Proposed Opinion and Order, was adopted by a vote of 7-0. (BF)

In R89-14, Groundwater Quality Standards, a Proposed Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. Board Members J. Dumelle, J. Anderson and B. Forcade concurred. (RF)

In R90-13, Safe Drinking Water Act Update (January 1, 1990 through June 30, 1990), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

Board Member M. Nardulli moved for reconsideration of his vote on the Opinion in #90-53, Industrial Fuels. The Opinion was then adopted by a vote of 4-3. J. Dumelle, R. Flemal, and M. Nardulli dissented and J. Theodore Meyer concurred.

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #90-73, Robert Spaenhower.

Agency motion for additional time to file its response to an August 30, 1990 Board Order was granted until October 31, 1990, and the County of Tazewell's motion to strike was denied in #AC 90-40, Steve Zimmerman, by a vote of 7-0. (JA)

Agency motion to withdraw complaint and dismiss action was granted in #AC 90-52, William and Richard Pontious, by a vote of 7-0. (JCM)

An Order directing the Agency to file its response to Respondent's motion to vacate an August 30, 1990 Default Order by October 17, 1990, was adopted in #AC 90-55, Lindell Loveless, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

By a vote of 6-1, Complainant's motion for withdrawal of alleged violation in Administrative Citation was construed as a motion for reconsideration and the docket was reopened in #AC 90-57, Frank Doan. In addition, the Respondent was ordered to file its response to the motion for reconsideration by October 11, 1990. J. Theodore Meyer dissented. (JCM)

Petitioner's motion to modify a November 2, 1989 Opinion and Order was granted in #88-172, Allied-Signal, by a vote of 7-0. (MN)

An Order dismissing the proceedings with prejudice was adopted in #89-19, Daniel and Helen Lorden, by a vote of 7-0. (MN)

Respondent's motion for additional time to respond to an August 30, 1990 Board Order was granted until November 1, 1990 in #89-151, Brian Peter, by a vote of 7-0. (RF)

Petitioner's motion for modification of an August 9, 1990 Board Order was denied in #89-183, City of Batavia, by a vote of 6-1. R. Flemal dissented. (JTM)

Petitioner's motion to reconsider was denied in #89-212, City of Braidwood, by a vote of 6-1. R. Flemal dissented. (JA)

Petitioner's motion to withdraw and dismiss variance petition was granted in #90-28, USS Division of USX Corporation, by a vote of 7-0. (MN)

An Order directing the Petitioner to file by October 9, 1990, its response to the Agency's response to an August 30, 1990 Board Order was adopted in #90-135, The Grigoleit Company, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order accepting the transferred delisting petition earlier submitted to the USEPA, as a petition now to the Board for site-specific delisting rulemaking and requesting additional information from the Petitioner which is to be filed by October 17, 1990, was adopted in R90-22, Petition of Keystone Steel and Wire Company for Hazardous Waste Delisting. Additionally, the Clerk of the Board was directed to serve a copy of the July 19, 1990 Proposed Opinion and Order in R90-17 upon Petitioner, and the Agency was invited to submit any comments it may wish to make in this matter by October 17, 1990. (JA)

These cases were discussed and ordered held to October 11, 1990 for further discussion or possible decision: ##87-191, Lefton Iron and Metal; 89-170, Centralia Environmental Services; 90-134, Village of Maple Park.

In new cases these actions were taken by a vote of 7-0:
#90-170, Goose Lake Association v. Robert J. Drake, Sr., First

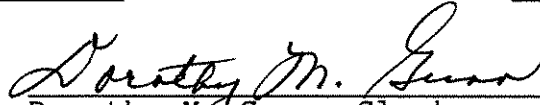
National Bank of Joliet as Trustee, Trust No. 370, held for duplicitous/frivolous determination; 90-172, Waste Management of Wisconsin, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-173, Earl R. Bradd as Owner of Bradd Sanitary Landfill v. EPA, accepted for hearing, Order by B. Forcade; 90-174, Watts Disposal Systems, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-175, Eagle Electronics, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; 90-176, Village of Oswego v. EPA, provisional variance granted, Order by J.C. Marlin; 90-177, A.K.A. Land, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 90-178, International Products and Manufacturers Company v. EPA, provisional variance granted, Order by J.C. Marlin.

These Administrative Citations were received by the Board: ##90-84, County of Jackson v. Everett Allen, d/b/a Allen Waste Management; 90-85, County of St. Clair v. City of Centreville.

Minutes of the September 13, 1990 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to October 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 17th day of October, 1990, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 27, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 90-53 Industrial Fuels (BF)(due) _____
- 90-104 People of the State of Illinois v. L & B Wood
Corporation (MN) (Stip) _____
- 90-105 People of the State of Illinois v. Evangelical Health
Systems, a/k/a Christ Hospital (MN) (Stip)

- 90-109 People of the State of Illinois v. Litho-Graphic Metal
Corporation (JCM) (Stip)

- 90-110 People of the State of Illinois v. Homak Manufacturing
Company (JCM) (Stip) _____
- 90-115 Excello Color & Chemical Company (RF) (Stip)

- 90-116 People of the State of Illinois v. Graham Paint and
Varnish Company, Inc. (JCM) (Stip)

- R87-31 SO₂ Averaging, Proposed Rule, Second Notice, Proposed
Opinion and Order (BF) _____
- R89-14 Groundwater Quality Standards, Proposed Rule, First
Notice, Proposed Opinion and Order (RF)

- R89-17 California Motor Vehicle Standards (JTM)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R90-12 UST Update, Repeal of State Fund (January 1, 1990 through June 30, 1990) (JA)
- R90-13 Safe Drinking Water Act Update (January 1, 1990 through June 30, 1990), Proposal for Public Comment, Proposed Opinion and Order (JA)
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AC DECISIONS:

- 90-73 Robert Spaenhower
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AC MOTIONS:

- 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27), Respondent's response to Complainant's motion to strike (9/17), Agency motion for additional time to file response to August 30, 1990 Board Order (9/20), County of Tazewell's response to Respondents' motion to dismiss (9/21)(JA)
- 90-49 Waste Hauling Landfill - Agency motion to amend Complaint Instanter on its Face (9/11)(JCM)
- 90-52 William & Richard Pontious - Agency motion to withdraw complaint and dismiss action (9/17)(JCM)
- 90-55 Lindell Loveless - Respondent's motion to vacate August 30, 1990 Default Order (9/25)
- 90-57 Frank Doan - Complainant's motion for withdrawal of alleged violation in Administrative Citation (9/7)(JCM)
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MOTIONS:

- 86-3 City of Oglesby - Petitioner's motion for reconsideration of June 7, 1990 Board Order and Amended Petition (6/29), Agency's response to Petitioner's motion for reconsideration (9/6)(JA)
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MOTIONS: (Cont'd)

- 87-89 Cargill, Inc. - Agency motion for remand (9/7), Village of Carpentersville's response to Agency motion for remand (9/13)(JCM)
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- 88-172 Allied-Signal - Petitioner's motion to modify November 2, 1989 Opinion and Order (9/14)(MN)
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- 89-19 Daniel & Helen Lorden - motions referred to Board in Hearing Officer Order (9/10), Respondents' motion for judgment (9/11), Respondents' motion for default and imposition of sanctions (9/14)(MN)
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- 89-151 Brian Peter - Respondent's motion for additional time to respond to August 30, 1990 Board Order (9/17), Complainant's objection to Respondent's motion for additional time to respond (9/18)(RF)
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- 89-183 City of Batavia - Petitioner's petition for modification of August 9, 1990 Board Order (9/10), Petitioner's motion for reconsideration of August 9, 1990 Opinion and Order (9/13)(JTM)
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- 89-184 Grigoleit Company - Petitioner's motion for sanctions, contempt and other relief (8/13), Respondent's response to motion for sanctions, contempt and other relief (8/27), Petitioner's response to motion to file instant and motion to strike the Respondent's response to Petitioner's motion for sanctions, contempt and other relief and request for other relief (9/4), Agency response to Petitioner's motion to strike (9/7), Petitioner's reply to Hearing Officer's response (9/20), Agency reply to Hearing Officer's response (9/21)(JA)
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- 89-212 City of Braidwood - Petitioner's motion to reconsider (8/27), Hearing Officer response to August 30, 1990 Board Order (9/7), Agency response to Petitioner's motion to reconsider (9/10)(JA)
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- 90-28 USS Division of USX Corporation - Petitioner's motion to withdraw and dismiss variance petition (9/24)
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- 90-135 Grigoleit Company - Agency response to August 30, 1990 Board order (9/19)(JCM)
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MOTIONS: (Cont'd)

- 90-145 Gallatin National - Respondent's motion to dismiss (8/13), Complainant's response to motion to dismiss (9/19)(JCM) _____
- R89-16 RACT Deficiencies - Agency motion for corrective rulemaking (9/6), Illinois Environmental Regulatory Group's response and objection to Agency motion for corrective rulemaking (9/20)(JD) _____
- R90-22 Petition of Keystone Steel & Wire - Board Order _____

DISCUSSIONS:

- 87-191 Lefton Iron & Metal (JD) _____
- * 89-170 Centralia Environmental Services (MN) _____
- * 90-134 Village of Maple Park (JA)(due 11/8) _____

NEW CASES:

- 90-170 Goose Lake Association v. Robert J. Drake, Sr., First National Bank of Joliet as Trustee, Trust No. 370 (See also Respondents Motion to Dismiss and Memorandum of Law in Support of Motion to Dismiss 8/31, Complainant's response to Respondents motion to dismiss 9/14; Complainant's supplemental response to Respondents motion to dismiss (9/21)) _____
- 90-172 Waste Management of Wisconsin, Inc. v. EPA _____
- 90-173 Earl R. Bradd as Owner of Bradd Sanitary Landfill v. EPA _____
- 90-174 Watts Disposal Sysyms, Inc. v. EPA _____
- 90-175 Eagle Electronics, Inc. v. EPA (Provisional Variance) (JCM) _____
- 90-176 Village of Oswego v. EPA (Provisional Variance)(JCM) _____

NEW CASES: (Cont'd)

- 90-177 A.K.A. Land, Inc. v. EPA _____
- 90-178 International Products and Manufacturers Company v. EPA
(Provisional Variance)(JCM)

- R90-22 Petition of Keystone Steel and Wire Company for
Hazardous Waste Delisting (SEE MOTIONS)

NEW AC CASES:

- 90-84 County of Jackson v. Everett Allen d/b/a Allen Wate
Management _____
- 90-85 County of St. Clair v. City of Centreville

MINUTES:

September 13, 1990 _____

PENDING CASES ASSIGNED:

* 85-140 Citizens Utilities (Remand)(MN)
* 85-166 Citizens Utilities (JTM)(open waiver)
86-1 City of Peru CSO (JTM)
86-2 City of LaSalle CSO (JTM)
86-48 Wells Manufacturing (Remand)(RF)
86-56 Trilla Steel Drum (Remand)(BF)
86-161 Elizabeth Street Foundry (JD)
* 86-180 The Ceco Corporation (JTM)(open waiver)
87-89 Cargill (Remand)(JM)
* 87-131 Amerock Corporation (JTM)
AS 88-2 Stepan Company (JM)
* 88-25 Modine Manufacturing (JA)(open waiver)
* 88-78 Abbott Laboratories (BF)(open waiver)
88-139 John Sexton (Remand)(BF)
* 88-193 General Motors Corporation (JD)(open waiver)
* 88-195 McLean County Disposal (JTM)(open waiver)
AS 89-2 Elizabeth Street Foundry (JD)
AS 89-3 The Nutrasweet Company (BF)
89-19 Daniel & Helen Lorden (MN)
89-61 Village of Beecher (JM)
89-64 Gallagher Asphalt (BF)
89-151 Brian J. Peter (RF)
AC 89-156 John Gordon (BF)
89-157 Clybourn Metal Finishing Company (JD)
89-159 Crown Cork & Seal Company (JA)
89-169 John & Jean Zarlenga (JA)
* 89-170 Centralia Environmental Services (MN)
89-179 Tony & Patricia Martin (MN)
* 89-184 The Grigoleit Company (JA)(due 11/29)
89-201 Crown Cork & Seal (JM)
89-205 Vito Zivoli (MN)
AC 89-215 Omer Thomas (BF)
AC 89-258 Donald Taylor (BF)
AC 89-268 William and Betty Jayne (BF)
90-12 Hysan Corporation (MN)
90-13 ABC Rail Corporation (JD)
90-19 DuPage Plating Company (JD)
AC 90-36 ESG Watts, Inc. (JTM)
AC 90-38 Harold Fults (JD)
AC 90-40 Steve Zimmerman & Waste Limited (JA)
90-88 Eldon Swedberg (MN)
90-91 General Electric Corporation (JA)
90-92 Lennon Wallpaper Company (MN)
90-93 Magnaflux Corporation (JA)
90-98 Aggrecon Corporation (JCM)
* 90-100 City of Ottawa (RF)(due 10/25)
90-102 State Oil Company (JTM)
* 90-118 Land & Lakes Company (JA)(due 10/25)
* 90-122 City of Lockport (JM)(due 10/25)
* 90-130 Borden Chemicals & Plastics (BF)(due 10/25)
* 90-131 City of Aurora (RF)(due 10/25)
* 90-137 Village of Roxana (JTM)(due 11/8)

PENDING CASES ASSIGNED:

- * 90-162 Village of Plainfield (RF)(due 11/29)
- * 90-163 D & L Landfill, Inc. (BF)(due 11/29)