

**MINUTES OF REGULAR BOARD MEETING
OCTOBER 25, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #89-159, Crown, Cork and Seal Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #89-201, Crown, Cork and Seal Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-13, ABC Rail Corporation, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (RF)

An Opinion and Order was adopted in #90-19, DuPage Plating Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (RF)

J.C. Marlin presented a draft Opinion and Order in #90-84, We-Toast Bread. J. Dumelle's alternative draft, which was seconded by J. Theodore Meyer for discussion purposes, failed to carry by a vote of 2-5 with J. Dumelle and J. Theodore Meyer for it and J. Anderson, B. Forcade, R. Flemal, J. Marlin and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 5-2. J. Dumelle and J. Theodore Meyer dissented and J. Anderson concurred. (JCM)

An Opinion and Order was adopted in #90-93, ITW Magnaflux, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #90-107, Miller Power Fluid, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-130, Borden Chemicals and Plastics, by a vote of 7-0. (BF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##90-82, Daniel Van Fleet; 90-83, John Moody.

Respondent's petition for review of a July 13, 1990 Default Order in #AC 89-115, City of St. Francisville, was denied by a vote of 7-0. (JCM)

Agency motion to reconsider and vacate an August 30, 1990 Opinion and Order in #AC 89-224, John Vander, was denied by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

An Order closing the docket in #AC 89-268, William and Betty Jayne, was adopted by a vote of 7-0. (BF)

Agency motion for reconsideration of an August 30, 1990 Opinion and Order in #AC 89-304, G & M Wrecking, was denied by a vote of 6-1. B. Forcade dissented and J. Dumelle concurred. (JA)

An Order granting Respondent's motion to withdraw its petition for review, and unless already paid, ordering Respondent to pay a \$2,500.00 penalty within 30 days of the date of the Order, was adopted in #AC 90-49, Waste Hauling Landfill, by a vote of 7-0. (JCM)

Respondent's motion to vacate an August 30, 1990 Default Order in #AC 90-55, Lindell Loveless, was denied by a vote of 6-1. J. Dumelle dissented. (JCM)

By a vote of 7-0, an Order construing Respondent's response to an October 11, 1990 Board Order and Complainant's September 7, 1990 motion for leave to withdraw one violation alleged in the Administrative Citation as motions for reconsideration was adopted in #AC 90-57, Frank Doan. Upon reconsideration, the motions were granted, the August 30, 1990 Default Order vacated and unless already paid, Respondent was ordered to pay a penalty of \$1,000.00. (JCM)

Petitioner's motion and stipulation to dismiss petition was granted in #85-164, Western Illinois Power, by a vote of 7-0. J. Dumelle concurred. (JCM)

Petitioner's motion to dismiss was granted in #87-105, Bloomington and Normal Sanitary District, by a vote of 7-0. J. Dumelle concurred. (JCM)

Petitioner's motion for voluntary dismissal was granted in #88-108, Ideal Roller Company, by a vote of 7-0. J. Dumelle concurred. (BF)

An Order directing the Hearing Officer to set a hearing no later than November 15, 1990 and to complete all such hearings by January 14, 1991, was adopted in ##89-87, -44, Moline Corporation, by a vote of 7-0. (JCM)

By a vote of 7-0, Petitioner's "Stipulation of Dismissal Based upon Agreed Closure Conditions" was construed as a motion to withdraw and the docket was closed in #89-193, Motorola. (RF)

Respondent's motion to exclude evidence was granted in #90-59, American Milling Company, by a vote of 7-0. (MN)

Petitioner's motion to stay was granted until December 31, 1990 in #90-86, Container Corporation of America, by a vote of 7-0. (JCM)

By a vote of 7-0, An Order directing Complainant to file its proof of service no later than November 6, 1990 or the Board will consider dismissing the matter for want of jurisdiction, was adopted in #90-103, J.D. Plating Works. (RF)

Agency motion to file Record Instanter was granted in #90-126, Marathon Petroleum, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order accepting the matter for hearing and directing the Agency to maintain confidentiality of the disputed documents, was adopted in #90-135, The Grigoleit Company. (BF)

An Order finding that the record submitted by the County Board was not in compliance with an August 30, 1990 Board Order and inviting the parties to examine the record before the Board expeditiously to correct or supplement the record on or before November 7, 1990, was adopted in #90-163, D & L Landfill, by a vote of 7-0. (BF)

Agency motion to file Record Instanter was granted in #90-174, Watts Disposal Systems, by a vote of 7-0. (JCM)

Agency motion for leave to file and Petitioner's motions to file a single copy of voluminous Exhibit B and for stay were granted, and the Hearing Officer directed to set a hearing within 7 days and to hold such hearing within 14 days in #90-183, Gallatin National Company. The vote was 6-1. B. Forcade dissented and J. Dumelle concurred. (JA)

Petitioner's motion for extension of time to respond to an October 11, 1990 Board Order was granted until November 15, 1990 in R90-18, Petition of USX Corporation, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion for extension of time to respond to an October 11, 1990 Board Order in R90-22, Petition of Keystone Steel and Wire, was granted until two weeks after the Board reaches a decision in R90-17. (JA)

An Opinion and Order was adopted in #89-170, Centralia Environmental Services, by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred. (MN) (Thereafter J. Anderson's request for leave to reconsider the vote on PCB 90-183, Gallatin National, was granted and the Order was then adopted by a vote of 5-1. B. Forcade dissented and J. Dumelle abstained)

These cases were discussed and held to November 8, 1990 for further discussion or possible decision: #90-46, Rockford Drop Forge; 90-100, City of Ottawa; 90-131, City of Aurora; 90-137,

Village of Roxana.

These regulatory matters were discussed and held to November 8, 1990 for further discussion or possible decision: R84-44, City of Pana Site-Specific, Adopted Rule, Final Order, Opinion and Order; R88-30(B), Gasoline Volatility Reduction, Proposed Rule, Second Notice, Proposed Opinion and Order; R90-12, UST Update, Repeal of State Fund (January 1, 1990 through June 30, 1990), Proposal for Public Comment, Proposed Opinion and Order.

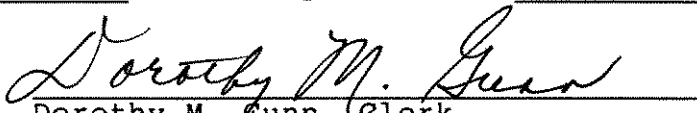
In amended petitions these actions were taken by a vote of 7-0: ##90-100, 120 day decision timeclock restarted with its filing; 90-167, City of Morris, held for Agency Recommendation.

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, accepted for hearing and the Board will rule upon motion to dismiss Robert J. Drake, Sr. as a Respondent when it decides the case, Order by J.C. Marlin; 90-179, Acme Finishing Company, Inc. v. EPA, held to November 8, 1990 for further consideration; 90-182, Ronald E. Tex and Susan D. Tex v. Samuel Scott Coggeshall and Coggeshall Construction Company, held for Duplicitous/Frivolous Determination; 90-187, Herman W. Prescott v. City of Sycamore, held for Duplicitous/Frivolous Determination; 90-188, American Steel and Wire Corporation v. EPA, accepted for hearing and Petitioner's motion to appear Pro Hac Vice granted, Order by B. Forcade; 90-189, Modine Manufacturing Company v. EPA, accepted for hearing and Petitioner's motion to waive its right to a hearing rejected, Order by B. Forcade; 90-190, City of Charleston v. EPA, accepted for hearing, Order by B. Forcade; 90-191, Taracorp Industries, Inc. v. EPA, provisional variance granted, Order by J.C. Marlin; 90-192, Metal Finishing Research Corporation v. EPA, provisional variance granted, Order by J.C. Marlin; 90-193, Sloan Valve Company v. EPA, provisional variance granted, Order by J.C. Marlin; 90-194, Village of Seneca, accepted for hearing, Order by J. Theodore Meyer.

Minutes of the October 11, 1990 Board Meeting were approved by a vote of 6-0. J. Dumelle abstained.

All other matters not disposed of as listed were ordered held to November 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 November, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

- 87-191 Lefton Iron & Metal (JD) _____
- 89-159 People of the State of Illinois v. Crown, Cork and Seal
Company (JA) (Stip) _____
- * 89-170 Centralia Environmental Services (MN)

- 89-201 People of the State of Illinois v. Crown, Cork, and Seal
Company, Inc. (JCM) (Stip)

- 90-13 People of the State of Illinois v. ABC Rail Corporation
(RF) (Stip) _____
- 90-19 People of the State of Illinois v. DuPage Plating
Company (RF) (Stip) _____
- 90-84 People of the State of Illinois v. We-Toast Bread
Company, Inc. (JCM) (Stip)

- 90-93 People of the State of Illinois v. ITW Magnaflux (JA)
(Stip) _____
- 90-107 People of the State of Illinois v. Miller Power Fluid
(JCM) (Stip) _____
- * 90-118 Land and Lakes (JA)(due) _____
- * 90-130 Borden Chemicals & Plastics (BF)(due)

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

90-82 Daniel Van Fleet _____

90-83 John Moody _____

AC MOTIONS:

89-115 City of St. Francisville - petition for review of July 13, 1989 default Order (9/28), Agency response to Respondent's petition for review (10/18)(JCM)

89-224 John Vander - Agency motion to reconsider and vacate August 30, 1990 Opinion and Order (10/4)(MN)

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

89-268 William and Betty Jayne - Board Order (BF)

89-304 G & M Wrecking Company - Agency motion for reconsideration of August 30, 1990 Final Order (10/4)(JA)

90-27 Johnson Blackwell - Agency motion to reconsider and vacate August 30, 1990 Order (10/5)

90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27), County of Tazewell's response to Respondents' motion to dismiss (9/21)(JA)

90-49 Waste Hauling Landfill - Respondent's response to October 11, 1990 Board Order (10/17)(JCM)

90-55 Lindell Loveless - Respondent's motion to vacate August 30, 1990 Default Order (9/25), Agency response to September 27, 1990 Board Order (10/17)(JCM)

90-57 Frank Doan - Complainant's motion for withdrawal of alleged violation in Administrative Citation (9/7), Respondent's response to September 27, 1990 Board Order (10/11)(JCM)

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), Petitioner's reply to Agency's response and motion for leave to file Exhibit B in reply to Agency's response (10/3)(JA)
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- 85-164 Western Illinois Power - Petitioner's motion and stipulation to dismiss petition (10/22)(JCM)
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- 87-105 Bloomington & Normal S.D. - Petitioner's motion to dismiss (10/18)(JCM)
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- 88-108 Ideal Roller Company - Petitioner's motion for voluntary dismissal (10/11)
-
- 88-156) Ensign-Bickford - Petitioner's motion to modify August
88-168) 10, 1989 Board Order (10/11)(MN)
-
- 89-87) Moline Corporation - Board Order (JCM)
89-44)
-
- 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 instanter 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), Hearing Officer response to August 30, 1990 Board Order (9/12), Petitioner's reply to Hearing Officer's response (9/20), Agency reply to Hearing Officer's response (9/21)(JA)
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- 89-193 Motorola, Inc. - Petitioner's stipulation of dismissal (10/5)(RF)
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- 90-59 American Milling Company - Respondent's motion to exclude evidence (10/9)
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- 90-61 Duraco, Inc. - Respondent's motion to stay hearing (10/12)
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- 90-86 Container Corporation of America - Petitioner's motion for Stay (10/12)(JCM)
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- 90-103 J.D. Plating Works - Board Order (RF)
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MOTIONS: (Cont'd)

- 90-126 Marathon Petroleum Company - Agency motion to file Record Instanter (10/17)(JCM) _____
- 90-135 The Grigoleit Company - Agency response to August 30, 1990 Board Order (9/19), Petitioner's reply to September 27, 1990 Board Order (10/9)(BF) _____
- 90-163 D & L Landfill - Board Order (BF) _____
- 90-164 Riverside Laboratories - Objection (10/11) _____
- 90-174 Watts Disposal Systems - Agency motion to file Record Instanter (10/18)(JCM) _____
- 90-183 Gallatin National Company - Petitioner's motion for Stay and motion to file a limited number of Exhibit B (10/9), Petitioner's motion for clarification of October 11, 1990 Order (10/17), Agency's response to Petitioner's motion for Stay and Petitioner's motion to file a limited number of Exhibit B, motion to file Instanter, motion for expedited hearing and decision (10/23) _____
- R90-18 USX Corporation - Petitioner's motion for extension of time to respond to October 11, 1990 Board Order (10/23) (JA) _____
- R90-22 Keystone Steel & Wire - Petitioner's motion for extension of time to respond to October 11, 1990 Board Order (10/23)(JA) _____

DISCUSSIONS:

- * 90-46 Rockford Drop Forge (MN) (due 11/8) _____
- * 90-100 City of Ottawa (RF) (due 2/7) _____
- * 90-131 City of Aurora (RF) (due 11/8) _____
- * 90-137 Village of Roxana (JTM) (due 11/8) _____

REGULATORY DISCUSSIONS:

- R84-44 City of Pana Site-Specific, Adopted Rule, Final Order, Opinion and Order (JCM) _____

REGULATORY DISCUSSIONS: (Cont'd)

R88-30 Gasoline Volatility Reduction, Proposed Rule, Second
(B) Notice, Proposed Opinion and Order (JD)

R90-12 UST Update, Repeal of State Fund (January 1, 1990
through June 30, 1990), Proposal for Public Comment,
Proposed Opinion and Order (JA)

AMENDED PETITIONS:

90-100 City of Ottawa (filed 10/16)(RF) _____

90-167 City of Morris (filed 10/16) _____

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))(JCM)

90-179 Acme Finishing Company, Inc. v. EPA (See also Agency
motion to dismiss filed 10/9, Petitioner's response to
Agency motion to dismiss filed 10/15)

90-182 Ronald E. Tex and Susan D. Tex v. Samuel Scott
Coggeshall and Coggeshall Construction Company

90-187 Herman W. Prescott v. City of Sycamore

90-188 American Steel & Wire Corporation v. EPA (See also
Petitioner's Motion for Permission to Appear as
Attorneys filed 10/22) (BF)

90-189 Modine Manufacturing Company v. EPA (JCM)

90-190 City of Charleston v. EPA

NEW CASES: (Cont'd)

- 90-191 Taracorp Industries, Inc. v. EPA (Provisional Variance)
(JCM) _____
- 90-192 Metal Finishing Research Corporation v. EPA (Provisional
Variance) (JCM) _____
- 90-193 Sloan Valve Company v. EPA (Provisional Variance) (JCM)

MINUTES:

October 11, 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)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-161 Elizabeth Street Foundry (JD)
 * 86-180 The Ceco Corporation (JTM)(open waiver)
 * 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)
 88-98 IBP, Inc.
 88-139 John Sexton (Remand)(BF)
 * 88-188 Shell Oil Company (JD)(due 11/29)
 * 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)
 89-61 Thomas Fredette (JCM)
 89-64 Gallagher Asphalt (BF)
 89-151 Brian J. Peter (RF)
 89-154 Roll Service, Inc. (MN)
 AC 89-156 John Gordon (BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 89-179 Tony & Patricia Martin (MN)
 * 89-184 The Grigoleit Company (JA)(due 11/29)
 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)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-40 Steve Zimmerman & Waste Limited (JA)
 AC 90-42 Robert Wheeler (BF)
 90-59 Michael L. Christianson (RF)
 90-66 Robinson Farm Service (RF)
 90-88 Eldon Swedberg (MN)
 90-91 General Electric Corporation (JA)
 90-102 State Oil Company (JTM)
 90-103 J.D. Plating (RF)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 * 90-122 City of Lockport (JCM)(due 1/24)
 90-135 The Grigoleit Company (BF)
 90-139 Illinois Valley Paving Company (JA)
 * 90-142 Pulitzer Community Newspapers (due 11/29)
 * 90-162 Village of Plainfield (RF)(due 11/29)
 * 90-163 D & L Landfill, Inc. (BF)(due 12/20)
 * 90-166 City of Genoa (RF)(due 12/10)

PENDING CASES ASSIGNED: (Cont'd)

* 90-173 Earl R. Bradd (JA)(due 1/10)