

**MINUTES OF REGULAR BOARD MEETING
JULY 19, 1990 CHICAGO, ILLINOIS**

All Board Members were present save J. Marlin and J. Anderson who were on vacation. The meeting was chaired by R. Flemal. After the meeting was called to order, congratulations were offered to Michelle Tarallo on her recent marriage.

A Final Opinion and Order was adopted in #89-64, Gallagher Asphalt, by a vote of 4-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #89-129, National Environmental Services, by a vote of 5-0. (BF)

An Opinion and Order was adopted in #90-7, Blue Tee Corporation, by a vote of 4-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-45, Minnesota Mining, by a vote of 5-0. (BF)

An Opinion and Order was adopted in #90-64, Jeffrey Kilgus, by a vote of 4-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #90-67, Allwaste Tank Cleaning, by a vote of 4-1. J. Theodore Meyer dissented. (BF)

In R88-30(B), Gasoline Volatility, a Proposed Rule, Second First Notice, Order was adopted by a vote of 5-0. (JD)

In R90-17, RCRA Delistings, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 5-0. (RF)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##90-43, Charles Pring; 90-44, Everett Allen.

Agency motion to amend complaint on its face instanter so as to strike Paragraph A(2) from the complaint and reduce the civil penalty to \$500.00, was granted in #AC 89-296, Robert Sanvi, by a vote of 5-0. (RF)

Complainant's motion for withdrawal of Administrative Citation was granted in #AC 90-54, Russell Wingerter, by a vote of 5-0. (RF)

By a vote of 5-0, Agency motion to extend time to file a response to Petitioner's motion for reconsideration was granted until July 20, 1990 in #86-3, City of Oglesby. (RF)

Petitioner's request to extend variance was denied in #86-125, City of Morris, by a vote of 5-0. (RF)

An Order directing the Hearing Officer to set a hearing no later

than September 19, 1990 and directing the Petitioner to comply with the Hearing Officer's December 24, 1987 discovery order in #87-91, American Steel Container, was adopted by a vote of 4-1. J. Theodore Meyer dissented and J. Dumelle concurred. (RF)

Petitioner's motion for modification of an October 18, 1989 Board Order was granted in #88-52, City of Ottawa, by a vote of 5-0. (RF)

Petitioner's motion to dismiss was granted in #88-170, James Esarey, by a vote of 5-0. (BF)

Petitioner's motion for extension of time to file a supplemental exhibit was granted in #89-183, City of Batavia, by a vote of 5-0. (JTM)

Petitioner's motion to withdraw was granted in #90-26, Morton International, by a vote of 5-0. (BF)

Petitioner's motion to dismiss was granted in #90-30, Granite City, by a vote of 5-0. (BF)

Complainant's motion to amend the complaint in #90-37, Nesco Steel Barrel, was referred to the Hearing Officer for disposition.

Petitioner's motion for voluntary dismissal of its permit appeal in #90-52, Acme Steel Company, was granted by a vote of 5-0. (BF)

Respondent's motion for leave to file Brief instanter was granted in #90-53, Industrial Fuels and Resources, by a vote of 5-0. (JD)

Respondent's motion for extension of time in #90-61, Duraco, Inc., was referred to the Hearing Officer for disposition.

Agency motion to file Agency Record Instanter was granted in #90-65, General Electric Company, by a vote of 5-0. (RF)

Respondent's demand for a Bill of Particulars and Complainant's motion for leave to file its first amended complaint in #90-89, Herman Loeb, was referred to the Hearing Officer for disposition.

Petitioner's motion to consolidate permit appeals was denied in #90-95, ESG Watts, Inc., by a vote of 5-0. (JTM)

Petitioner's motion to withdraw was granted in #90-113, Village of Sauget, by a vote of 5-0. (BF)

Agency motion for leave to file Agency Record Instanter was granted in #90-118, Land and Lakes Company, by a vote of 5-0. (RF)

By a vote of 5-0, an Agency motion for leave to file statement concerning basis for permit denial Instanter was denied and the Hearing Officer was ordered to postpone the August 3, 1990 hearing date in #89-175, Olney Sanitary Systems, so that the Petitioner would have an opportunity to respond to the Agency's motion and also to address the new information submitted by the Agency. (JD)

These cases were discussed and held to August 9, 1990 for further discussion or possible decision: ##87-209, Reed-Custer; 88-128, Peter Arendovich; AC 89-227, Jack Wright; 90-43, Town of Cortland; 90-74, Lawrence Brothers.

These regulatory matters were discussed and held to August 9, 1990 for further discussion or possible decision: R88-26, Safe Drinking Water Act; R89-13, DENR Categorization, Adopted Rule, Final Order, Opinion and Order; R89-14, Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order.

This Adjusted Standard was discussed and held to August 9, 1990 for further discussion or possible decision: #90-1, City of Jacksonville.

In amended petition #90-100, City of Ottawa, the 120-day decision timeclock was restarted with its filing.

In new cases these actions were taken by a vote of 5-0: ##90-127, People of the State of Illinois v. Westvaco Corporation, hearing mandatory; 90-128, Western Lion Limited v. EPA, Board Member R. Flemal presented a draft dismissal order, an amendment by J. Dumelle was accepted and the petition was dismissed; 90-130, Borden Chemicals and Plastics Operating Limited Partnership v. EPA, motion to submit reduced number of attachments to petition granted and held for Agency Recommendation, Order by R. Flemal; 90-131, City of Aurora v. EPA, held to August 9, 1990 for further action; 90-132, City of Monmouth v. EPA, provisional variance granted, Order by R. Flemal; 90-133, Mazer Chemicals/Division of PPG Industries v. EPA, provisional variance granted, Order by R. Flemal; R90-17, RCRA Delistings (See Decisions); R90-18, USX Corporation, Southworks, Delisting (Site-Specific), Docket Reserved; R90-19, Woodward Governor Company, Delisting (Site-Specific), Docket Reserved; R90-20, Diesel Vehicle Exhaust Opacity Limits, inquiry hearings authorized, Order by J. Dumelle.

Since Petitions for Review were filed these Administrative Citations will be set for hearing: ##90-41, City of Alton;

90-42, Robert Wheeler; 90-59, Southern Pacific Railroad.


By a vote of 5-0, an Order construing Respondent's July 16, 1990 letter to the Board as a petition for review and advising the respondent that if he wishes to withdraw the petition for review, such motion must be filed with the Board by August 13, 1990 and if the petition for review is withdrawn, a default order will be issued and respondent will have to pay \$500.00 for each alleged violation, was adopted in #AC 90-56, Steve Gilbert. Also, the Clerk of the Board was ordered to send copies of the Environmental Protection Act and the Board's Procedural Rules to the respondent. (JD)

These Administrative Citations were received by the Board: #90-52, William and Richard Pontious; 90-53, Daniel Van Fleet; 90-55, Lindell Loveless; 90-57, Frank Doan; 90-58, Kenneth Pearson; 90-60, Reginald Paige; 90-61, Robert Lee Winsor.

In new Adjusted Standard #90-6, Marathon Petroleum Company, these actions were taken by a vote of 5-0: Petitioner's motion for leave to file a single copy of the Appendices to the petition was granted and a hearing was authorized, Order by R. Flemal.

Minutes of the July 3 and July 6, 1990 Board Meetings were approved by a vote of 5-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 9th day of August, 1990, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 19, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 89-64 Gallagher Asphalt (See also Respondent's motion for reconsideration filed 7/18)(BF)

- * 89-129 National Environmental Services (BF)(due)

- 90-7 Blue Tee Corporation (MN) (Stip)

- * 90-45 Minnesota Mining (BF)(due 8/9) _____
- 90-64 Jeffrey Kilgus (BF) (Stip)

- 90-67 Allwaste Tank Cleaning (BF) (Stip)

- R86-9 Landfilling Hazardous Waste (JD) _____
(B)
- R88-30 Gasoline Volatility, Proposed Rule, First Notice, Order
(B) (JD) _____
- R90-17 RCRA Delistings, Proposal for Public Comment, Proposed
Opinion and Order (RF) _____

AC DECISIONS:

- 90-43 Charles Pring _____
- 90-44 Everett Allen _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 89-296 Robert Sanvi - Agency motion to amend Complaint on its Face Instanter (7/12)(RF) _____
- 90-27 Johnson Blackwell - Respondent's motion to reconsider or vacate May 24, 1990 Default Order (6/27), Agency response to motion to vacate (7/12)(RF) _____
- 90-54 Russell Wingerter - Complainant's motion for withdrawal of Administrative Citation (7/11)(RF) _____

MOTIONS:

- 85-95 Citizens Utilities Company - Petitioner's motion for reconsideration of May 24, 1990 Opinion and Order (6/22)(JA) _____
- 86-3 City of Oglesby - Petitioner's motion for reconsideration of June 7, 1990 Board Order and Amended Petition (6/29), Agency motion to extend time to file a response to Petitioner's motion for reconsideration (7/6)(JTM) _____
- 86-125 City of Morris - Petitioner's request to extend variance (7/10)(RF) _____
- 87-91 American Steel Container - Board Order (RF) _____
- 88-52 City of Ottawa - Petitioner's motion for modification of October 18, 1989 Board Order (7/2), Agency response to motion to modify Board Order (7/10)(RF) _____
- 88-170 James Esarey - Petitioner's motion to dismiss (7/16)(BF) _____
- 89-175 Olney Sanitary Systems - Agency motion for leave to file statement concerning basis for permit denial Instanter (7/16) _____
- 89-183 City of Batavia - Petitioner's motion for extension of time to file a supplemental Exhibit (7/9)(JTM) _____
- 90-26 Morton International - Petitioner's motion to withdraw permit appeal (7/6)(BF) _____

MOTIONS: (Cont'd)

- 90-30 Granite City - Petitioner's motion to dismiss (7/16)(BF)

- 90-37 Nesco Steel Barrel - Complainant's motion to amend
complaint (7/13) _____
- 90-40 Waste Management - Petitioner's motion to withdraw
documents (5/31), Agency response to July 3, 1990 Board
Order (7/12)(JM) _____
- 90-52 Acme Steel Company - Petitioner's motion for voluntary
dismissal of permit appeal (7/2)(BF)

- 90-53 Industrial Fuels & Resources - Respondent's motion for
leave to file Brief Instanter (7/11)(JD)

- 90-61 Duraco, Inc. - Respondent's motion for extension of time
(7/16) _____
- 90-65 General Electric Company - Agency motion to file Agency
Record Instanter (7/16) _____
- 90-89 Herman Loeb - Respondents demand for a Bill of
Particulars (7/2), Agency motion to deny Respondents
demand for a Bill of Particulars (7/16), Complainant's
motion for leave to file First Amended Complaint (7/17)

- 90-95 ESG Watts - Petitioner's motion to consolidate permit
appeal (7/17)(JTM) _____
- 90-113 Village of Sauget - Petitioner's motion to withdraw
(7/17)(BF) _____
- 90-118 Land and Lakes Company - Agency motion for leave to file
Agency Record Instanter (7/16) _____

DISCUSSIONS:

- 87-209 Reed-Custer (JA) _____
- 88-128 Peter Arendovich (JM) _____
- AC 89-227 Jack Wright (RF) _____
(A&B)
- * 90-43 Town of Cortland (RF)(due 8/9) _____

DISCUSSIONS: (Cont'd)

* 90-74 Lawrence Brothers (JD)(due 8/9)_____

REGULATORY DISCUSSIONS:

R88-26 Safe Drinking Water Act (JA)_____

R89-13 DENR Categorization, Adopted Rule, Final Order, Opinion and Order (JA)_____

R89-14 Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order (RF)

ADJUSTED STANDARDS DISCUSSIONS:

90-1 City of Jacksonville, Opinion and Order (JA)

AMENDED PETITIONS:

90-100 City of Ottawa (filed 7/6)(RF)_____

NEW CASES:

90-127 People of the State of Illinois v. Westvaco Corporation

90-128 Western Lion Limited v. EPA (RF)

90-130 Borden Chemicals and Plastics Operating Limited Partnership v. EPA (See also motion to submit reduced number of attachments to Petition) (RF)

90-131 City of Aurora v. EPA (BF)_____

90-132 City of Monmouth v. EPA (Provisional Variance)

90-133 Mazer Chemicals/Division of PPG, Industries v. EPA (Provisional Variance)_____

R90-17 RCRA Delistings (SEE DECISIONS)

NEW CASES: (Cont'd)

- R90-18 USX Corporation, Southworks, Delisting (Site-Specific)
(RESERVED)
- R90-19 Woodward Governor Company, Delisting (Site-Specific)
(RESERVED)
- R90-20 Diesel Vehicle Exhaust Opacity Limits (JD)
-

AC APPEALS:

- 90-41 City of Alton_____
- 90-42 Robert Wheeler_____
- 90-56 Steve Gilbert_____
- 90-59 Southern Pacific Railroad_____
-

NEW AC CASES:

- 90-52 William & Richard Pontious_____
- 90-53 Daniel Van Fleet_____
- 90-55 Lindell Loveless_____
- 90-57 Frank Doan_____
- 90-58 Kenneth Pearson_____
- 90-60 Reginald Paige_____
- 90-61 Robert Lee Winsor_____
-

NEW ADJUSTED STANDARDS:

- 90-6 Marathon Petroleum Company (See also Motion for Leave to
file a single copy of the Appendices to the Petition)
-

MINUTES:

July 3, 1990_____

MINUTES: (Cont'd)

July 6, 1990 (Special Board Meeting)_____

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)
 87-191 Lefton Iron and Metal (JD)
 87-209 Commonwealth Edison Company (JA)
 AS 88-2 Stepan Company (JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 * 88-78 Abbott Laboratories (BF)(open waiver)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 88-199 Seegers Grain (JM)
 AS 89-2 Elizabeth Street Foundry (JD)
 AS 89-3 The Nutrasweet Company (BF)
 AC 89-18 J & R Landfill (JM)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 * 89-170 Centralia Environmental Services (MN)
 89-179 Tony & Patricia Martin (MN)
 89-182 Robert & Joan Kvatsak (BF)
 * 89-183 City of Batavia (JTM)(due 10/25)
 89-186 Bulk Molding Compounds (BF)
 89-205 Vito Zivoli (MN)
 AC 89-224 John Vander (MN)
 AC 89-258 Donald Taylor (BF)
 AC 89-292 Land and Lakes (JM)
 AC 89-304 G & M Wrecking Company (JA)
 90-13 ABC Rail Corporation (JD)
 90-19 DuPage Plating Company (JD)
 * 90-53 Industrial Fuels (JD)(due 9/13)
 90-68 Oscar Mayer Foods (MN)
 90-72 Cleveland Corporation (MN)
 90-78 Support Terminal Services (JM)
 90-84 We-Toast Bread Company (JM)
 90-92 Lennon Wallpaper Company (MN)
 90-93 Magnaflux Corporation (JA)
 * 90-94 D & L Landfill (MN)(due 8/30)
 * 90-100 City of Ottawa (RF)(due 9/27)
 90-102 State Oil Company (JTM)
 90-106 Village of Ipava (RF)
 * 90-122 City of Lockport (JM)(due 10/25)