

**MINUTES OF REGULAR BOARD MEETING
JANUARY 24, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AS 89-2, Elizabeth Street Foundry, by a vote of 7-0. (JD)

J. Marlin moved a draft Opinion and Order in #89-61, Village of Beecher. An amendment by B. Forcade, seconded by J. Dumelle, failed to carry by a vote of 3-4 with B. Forcade, J. Dumelle and J. Theodore Meyer for it and J. Anderson, R. Flemal, J. Marlin and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 7-0. Messrs. J. Dumelle, B. Forcade and J. Theodore Meyer concurred. (JCM)

An Interim Opinion and Order was adopted in ##89-87, -44, Kathy and Jeffrey Western, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #90-181, Village of Sauget, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #90-194, Village of Seneca, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JCM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #AC 90-95, Johnson Blackwell.

Agency motion for reconsideration was granted in part and denied in part in #89-170, Centralia Environmental Services, by a vote of 7-0. (MN)

Respondent's motion to reopen hearing was denied in #90-62, Sure-Tan, by a vote of 7-0. (JCM)

Respondent's motion to dismiss Coggeshall Construction Company was denied in #90-182, S. Scott Coggeshall, by a vote of 7-0. (BF)

The City of Centralia's petition for leave to intervene or in the alternative to file an Amicus Curiae Brief in #90-216, Clean Quality Resources, was referred to the Hearing Officer for disposition.

Agency motion to extend the time for filing the Agency's Recommendation in #90-240, Colwell General, will be taken with the case-in-chief.

Petitioner's motion to substitute an Affidavit of William J. Caplan was granted in #90-242, Ensign Bickford Company, by a vote of 7-0. (JCM)

Motion to intervene by Paul and Ann Jurca, John and Marlene Jurca, Kelby and Mary Briddick, Lawrence and Diane Kollins, James and Ann Dralle, Robert and Jean Hastert, Robert C. and Doris Hastert, Blanche Hassert, and Fillup, Inc., d/b/a White Fence Farm, collectively known as "Jurca", was denied in #91-7, Land and Lakes. Jurca, however, may file an amicus curiae brief. The vote was 7-0. (BF)

By a vote of 7-0, motions for extension of time to file comments, filed by the law firms of Gardner, Carton and Douglas, and McDermott, Will, and Emery, were granted and the comment period was extended to February 12, 1991 in R90-24, Amendments to 35 Ill. Adm. Code 101.103(d) to Require Use of Recycled Paper for All Documents filed with the Board. (JTM)

These cases were discussed and held to February 7, 1991 for further discussion or possible decision: ##89-205, Vito Zivoli; 90-126, Marathon Petroleum; 90-167, City of Morris.

These regulatory matters were discussed and held to February 7, 1991 for further discussion or possible decision: R87-37, PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order; R90-7, Agriculture-Related Pollution, Proposed Rule, First Notice, Opinion and Order; R90-25, Amendments to the Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, 35 Ill. Adm. Code 811, Proposed Rule, First Notice, Opinion and Order; R90-26, Solid Waste Rules for the Illinois Foundry and Steel Industries, Proposed Rule, First Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: ##91-9, Sparkling Spring Mineral Water Company v. EPA, accepted for hearing, Order by B. Forcade; 91-10, Amoco Oil Company (Creve Coeur Terminal) v. EPA, accepted for hearing and Petitioner directed to address certain issues at hearing, Order by B. Forcade; 91-11, Burlington Northern Railroad Company (Galesburg), v. EPA, accepted for hearing, Order by B. Forcade; 91-12, Zeigler Coal Company v. EPA, additional information requested, Order by J. Anderson; 91-13, Container Corporation of America v. EPA, accepted for hearing, Order by B. Forcade; 91-14, Koppers/Beazer East v. EPA, alternate language by R. Flemal accepted and provisional variance granted, Messrs. J. Dumelle, B. Forcade, and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-15, Rockford/Elco Industries v. EPA, provisional variance granted, Messrs. J. Dumelle, B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; R91-6, PM₁₀ Emission Limits for the Portland Cement Manufacturing Plant and Associated Quarry Operations located South of the Illinois River in LaSalle County,

without ruling on the sufficiency of the Agency's petition or accepting the petition for hearing, the Board assured the Agency and all interested persons that the Board places a high priority on the quick resolution of the proposal and will proceed as quickly as possible, **Order by B. Forcade; R91-7, RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 218, Agency Motions for Waiver of Requirements, Expedited Hearings and Request for determination that an Economic Impact Study should not be prepared, were granted in part, Order by J. Theodore Meyer; R91-8, RACT Deficiencies in the Metro-East Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 219, Agency Motions for Waiver of Requirements, Expedited Hearings and Request for determination that an Economic Impact Study should not be prepared, were granted in part, Order by J. Theodore Meyer.**

These Administrative Citations were received by the Board: #91-1, Everett Allen; 91-2, Everett Allen.

Minutes of the January 10 and January 18, 1991 Board Meetings were approved by a vote of 7-0.

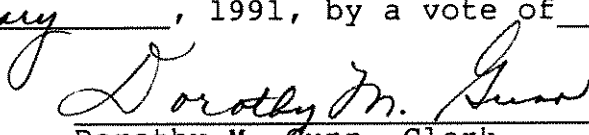
Petitioner's motion to voluntarily dismiss was granted in #89-31, Fansteel/Escast, by a vote of 7-0. (BF)

Petitioner's motion to dismiss was granted in #90-219, GSF Energy, by a vote of 7-0. (JTM)

By a vote of 7-0, new case #91-16, Nicor National, Inc. v. EPA, was accepted for hearing. (BF)

All other matters not disposed of as listed were ordered held to February 7, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 7th day of February, 1991, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 24, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

89-31 Fansteel/Escast - Petitioner's motion to
voluntarily dismiss (1/10) ()

90-219 GSF Energy - Petitioner's motion to dismiss
(1/23)(JTM)

NEW CASES:

91-16 Nicor National, Inc. v. EPA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JANUARY 24, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AS 89-2 Elizabeth Street Foundry (JD) _____
89-61 Village of Beecher (JCM) _____
- * 89-72 Olin Chemicals (BF)(due 2/28) _____
89-87) Kathy & Jeffrey Western, Interim Opinion and Order
89-44) (Stip) (BF) _____
- AC 89-156 John Gordon (BF) _____
(A & B)
- * 90-177 A.K.A. Land (JD)(due 2/7) _____
- * 90-181 Village of Sauget (JTM)(due) _____
- * 90-194 Village of Seneca (JCM)(due 2/7) _____

AC DECISIONS:

- 90-95 Johnson Blackwell _____

AC MOTIONS:

- 89-215 Omer Thomas - Board Order (BF) _____

MOTIONS:

- 86-104 Sours Grain - joint motion to approve Stipulation (1/15) _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 88-98 IBP, Inc. - Respondent's motion to file statement
Instanter (1/23)(BF)
-
- 89-170 Centralia Environmental Services - Respondent's motion
to reconsider and modify October 25, 1990 Opinion and
Order (11/29), Petitioner's second motion for extension
of time to respond to Respondent's motion to reconsider
and modify (12/31), Petitioner's motion to file response
to Respondent's motion to reconsider Instanter (1/7)(MN)
-
- 89-183 City of Batavia - Petitioner's motion to amend August 9,
1990 Opinion and Order (1/18)(JTM)
-
- 90-62 Sure-Tan, Inc. - Respondent's motion to reopen hearing
(12/27)
-
- 90-142 Pulitzer Community Newspapers - Agency motion for
reconsideration of December 20, 1990 Order (1/18)(MN)
-
- 90-182 Samuel Scott Coggeshall - motion to dismiss by
Coggeshall Construction Company (10/31)(BF)
-
- 90-216 Clean Quality Resources - petition for leave to
intervene or in the alternative to file an Amicus Curiae
Brief by the City of Centralia (1/17)(MN)
-
- 90-225 B.F. Goodrich - Agency motion for extension of time to
file Record (1/22)
-
- 90-240 Colwell General - agency motion to extend the time for
filing the Agency Recommendation (1/2)
-
- 90-242 Ensign Bickford Company - Petitioner's motion to
substitute Affidavit of William J. Caplan (12/26)
-
- 91-1 Alton Community Unit School District - Agency motion for
summary judgment (1/15)
-
- 91-5 Marjorie B. Campbell - Agency motion to dismiss (1/22)
-

MOTIONS: (Cont'd)

91-7 Land and Lakes - Petitioners objection to petition for leave to intervene (1/18), petition for leave to intervene in support of the refusal by the Village Board of Romeoville to grant siting approval filed by Paul and Ann Jurca et al. (1/18), Petitioners objection to petition for leave to intervene filed by Paul and Ann Jurca et al. (1/22)

R90-24 Use of Recycled Paper - motion for extension of time in which to submit comments (1/18), request for extension of time to file more detailed comments (1/22)(JTM)

DISCUSSIONS:

89-205 Vito Zivoli (MN) _____

* 90-126 Marathon Petroleum (JD)(due 2/7) _____

* 90-167 City of Morris (RF)(due 2/7) _____

REGULATORY DISCUSSIONS:

R87-37 PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order (JD) _____

R90-7 Agriculture-Related Pollution, Proposed Rule, First Notice, Opinion and Order (RF) _____

R90-25 Amendments to the Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, 35 Ill. Adm. Code 811, Proposed Rule, First Notice, Opinion and Order (JA) _____

R90-26 Solid Waste Rules for the Illinois Foundry and Steel Industries, Proposed Rule, First Notice, Opinion and Order (JA) _____

NEW CASES:

90-243 Finks and Austman v. EPA (See also Agency motion to dismiss filed 1/7; Petitioner's response to Agency motion to dismiss filed 1/15 and Agency reply to Petitioner's response to motion to dismiss filed 1/22)

NEW CASES: (Cont'd)

- 91-9 Sparkling Spring Mineral Water Company v. EPA

- 91-10 Amoco Oil Company (Creve Coeur Terminal) v. EPA

- 91-11 Burlington Northern Railroad Company (Galesburg) v. EPA
(BF) _____
- 91-12 Zeigler Coal Company v. EPA _____
- 91-13 Container Corporation of America v. EPA (BF)

- 91-14 Koppers/Beazer East v. EPA (Provisional Variance) (JCM)

- 91-15 Rockford/Elco Industries (Provisional Variance) (JCM)

- R91-6 PM₁₀ Emission Limits for the Portland Cement
Manufacturing Plant and associated Quarry Operations
located South of the Illinois River in LaSalle County
(See also Agency motion for Board request for
Preliminary Review by the JCAR; Motion for Expedited
Hearings; Request for determination that an Economic
Impact Study should not be prepared)(BF)

- R91-7 RACT Deficiencies in the Chicago Area: Amendments to 35
Ill. Adm. Code Part 215 and the Addition of Part 218
(See also motion for waiver of Requirements; Motion for
Expedited Hearings and Request for determination that an
Economic Impact Study should not be prepared filed 1/17)
(JTM) _____
- R91-8 RACT Deficiencies in the Metro-East Area: Amendments to
35 Ill. Adm. Code Part 215 and the Addition of Part 219
(See also motion for waiver of Requirements; Motion for
Expedited Hearings and Request for determination that an
Economic Impact Study should not be prepared filed 1/17)
(JTM) _____

NEW AC CASES:

- 91-1 County of Jackson _____
- 91-2 County of Jackson _____

NEW ADJUSTED STANDARDS:

91-1 Petition of Keystone Steel and Wire Company for
 Hazardous Waste Delisting (See also Petitioner's letter
 of justification for Trade Secret material filed 1/22)

MINUTES:

January 10, 1991 Board Meeting _____

January 18, 1991 (Special Board Meeting) _____

POSSIBLE CHANGE IN MEETING DATE:

From May 23, 1991 to May 24 or to May 28, 1991 (per Mr. Dumelle's
request) _____

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)
 86-3 City of Oglesby CSO (JA)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-57) Village of Sauget (Remand)(RF)
 86-58)
 86-62) Monsanto Company (Remand)(RF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-91 American Steel Container, Drum Shop (MN)(due 3/28)
 * 87-131 Amerock Corporation (JTM)
 AS 88-2 Stepan Company (JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 * 88-78 Abbott Laboratories (JD)(open waiver)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 AS 89-3 The Nutrasweet Company (BF)
 89-64 Gallagher Asphalt (BF)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-151 Brian J. Peter (RF)
 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)
 AC 89-215 Omer Thomas (BF)
 AC 89-258 Donald Taylor (BF)
 90-12 Hysan Corporation (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-42 Robert Wheeler (BF)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59 Southern Pacific Railroad (RF)
 90-61 Duraco, Inc. (JCM)
 90-62 Sure-Tan, Inc. (JCM)
 90-66 Robinson Farm Service (RF)
 AC 90-79 Al Springman (JA)
 AC 90-81 George Ribble (JA)
 * 90-95 ESG Watts (JD)(due 3/28)
 90-102 State Oil Company (JTM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 * 90-122 City of Lockport (JCM)(due 5/23)
 90-135 The Grigoleit Company (BF)
 * 90-144 ESG Watts (JTM)(due 3/28)
 90-146 Village of Matteson (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 90-173 Earl R. Bradd (JA)(due 4/11)

PENDING CASES ASSIGNED: (Cont'd)

90-180 Container Corporation (JCM)
* 90-199 Dept. of the Army (JA)(due 2/28)
* 90-216 Clean Quality Resources (MN)(due 3/14)
90-217 Raging Rivers Park (MN)
90-218 A.B. Dick Company (RF)
* 90-219 GSF Energy, Inc. (JTM)(due 3/14)
* 90-224 City of Prospect Heights (RF)(due 3/28)
* 90-226 City of Toluca (JCM)(due 3/28)
* 90-229 North Suburban Public Utility ((RF)(due 3/28)
90-230 F.S. Madison Service Company (JM)
* 90-231 Frank Whitlock (JTM)(due 4/11)
* 90-239 Madison County Conservation (BF)(due 4/11)