

**MINUTES OF REGULAR BOARD MEETING
MARCH 28, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #87-91, American Steel Container, Drum Shop, by a vote of 7-0. J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #AC 90-59 (Dockets A and B), Southern Pacific Railroad, by a vote of 6-1. J. Dumelle dissented. (RCF)

An Opinion and Order was adopted in #90-224, City of Prospect Heights, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (RCF)

An Opinion and Order was adopted in #90-229, North Suburban Public Utility, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and J. Theodore Meyer dissented. (RCF)

In R90-26, Steel and Foundry Amendments to the Landfill Regulations, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 7-0. (JA)

In R91-1, RCRA Update (July 1, 1990 through December 31, 1990), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

In R91-7, RACT Deficiencies, Chicago-Area, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 7-0. (JTM)

In R91-8, RACT Deficiencies, Metro-East Area, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 7-0. (JTM)

In R91-9, DMI, Inc. Site-Specific, an Order determining that an Economic Impact Study need not be prepared, was adopted by a vote of 7-0. (MN)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #91-4, Matt Burroughs; 91-5, Lincoln/Logan Landfill.

By a vote of 7-0, Agency motion to extend time to file its response to Petitioner's amended petition in #86-2, City of Lasalle, was granted until May 31, 1991. (JTM)

An Order requesting comments by the parties, not later than April 19, 1991, regarding certain portions of the Agency record that have been subject to a recent trade secret confidentiality

determination by the Agency, was adopted in #89-177, CWM Chemical Services, by a vote of 7-0. (BF)

Joint motion to dismiss was granted in #90-221, Safety-Kleen, by a vote of 7-0. (BF)

By a vote of 6-0, Petitioner's motion to maintain certain transcript information confidential was granted and the Clerk of the Board was directed to place a copy of the March 11, 1991 hearing transcript with the expunged information in the Board's public files in #91-4, Sexton Environmental Systems. J. Theodore Meyer abstained. (JA)

Petitioner's motion to file instanter its response to the Sierra Club's motion to dismiss was granted and the Sierra Club's motion to dismiss was denied in #91-29, Commonwealth Edison Company, by a vote of 7-0. (JA)

Since two (2) objections were filed, a hearing was authorized in #91-34, City of DeKalb, by a vote of 6-0. R.C. Flemal abstained. (BF)

By a vote of 7-0, Agency motion to extend time to file its record was granted until April 12, 1991 in #91-49, LTV Steel. (JA)

Petitioner's motion to file limited copies of groundwater determination was granted in R90-25, Landfill Amendments, Utilities, by a vote of 7-0. (JA)

This matter was discussed and held to April 11, 1991 for further discussion or possible decision: #90-62, Sure Tan, Inc.

These cases were discussed and held to April 11, 1991 for further discussion or possible decision: ##90-95, ESG Watts; 90-144, ESG Watts; 90-146, Village of Matteson; 90-231, Frank Whitlock; 90-239, Madison County Conservation Alliance.

These regulatory matters were discussed and held to April 11, 1991 for further discussion or possible decision: R87-37, PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order; R88-14, Pharmaceuticals, Adopted Rule, Final Order, Opinion and Order; R90-24, Procedural Rules, Recycled Paper; R91-7, RACT Deficiencies, Chicago-Area, Emergency Rules; R91-8, RACT Deficiencies, Metro-East Area, Emergency Rules.

Amended petition #91-32, Village of Carbon Hill, was held for Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: ##90-3, Calvary Temple Church v. EPA, Agency motion for extension of time granted until April 12, 1991, Order by R.C. Flemal; 91-39, TransTechnology Corporation v. EPA, held to April 11, 1991 for

further consideration; 91-42, Franklin D.R. Vickers and Ruth J. Vickers v. Village of Millstadt, Respondent's motion for extension of time granted until April 19, 1991, **Order by J.D. Dumelle**; 91-48, Wonder View Improvement Association v. Northern Illinois Utilities, Inc., held to April 11, 1991 for further consideration; 91-50, Karl Christ and Helen Christ v. Compost Enterprises, Inc., **held for duplicitous/frivolous determination**; 91-51, Norma Jane Collins v. Robert's Food and Fish, held to April 11, 1991 for further consideration; 91-52, Atwood Industries, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 91-53, People of the State of Illinois v. Enamellers and Japanners, Inc., hearing mandatory; 91-54, Ethyl Petroleum Additives, Inc. v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, **Order by J.C. Marlin**; 91-55, Village of Itasca v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, **Order by J.C. Marlin**; R91-10, Exemptions for the Definition of VOM, docket opened.

These Administrative Citations were received by the Board: #91-8, Laraway Recycling and Disposal Facility; 91-9, W.W. Sanitation; 91-10, Jersey Sanitation Corporation; 91-11, Harold Lowry; 91-12, Lincoln/Logan Landfill; 91-13, Everett Allen.

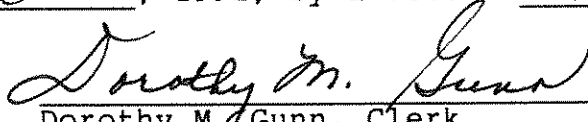
Petitioner's motion to hold hearings in abeyance was granted and Petitioner was ordered to provide a status report of progress on the federal rulemaking by June 28, 1991 and every 90 days thereafter until the federal rulemaking is either granted or denied in #AS 88-2, Stepan Company. The vote was 7-0. (JCM)

Minutes of the March 14, 1991 Board Meeting were approved by a vote of 7-0.

By a vote of 7-0, new case #91-56, Douglas Furniture of California, Inc. v. EPA, was accepted for hearing. (BF)

All other matters not disposed of as listed were ordered held to April 11, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 11th day of April, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 28, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

91-56 Douglas Furniture of California, Inc. v. EPA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 28, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 87-91 American Steel Container, Drum Shop (MN)(due)

- AC 90-59 Southern Pacific Railroad (RF) _____
(A & B)
- 90-62 Sure Tan, Inc. (JCM) _____
- * 90-224 City of Prospect Heights (RF)(due)

- * 90-229 North Suburban Public Utility (RF)(due)

- R90-26 Steel and Foundry Amendments to the Landfill Regulations
EcIS Determination Order (JA) _____
- R91-1 RCRA Update (July 1, 1990 through December 31, 1990),
Proposal for Public Comment, Proposed Opinion and Order
(JA) _____
- R91-7 RACT Deficiencies, Chicago, EcIS Determination Order
(JTM) _____
- R91-8 RACT Deficiencies, Metro-East, EcIS Determination Order
(JTM) _____
- R91-9 DMI, Inc. Site-Specific, EcIS Determination Order (MN)

AC DECISIONS:

- 91-4 Matt Burroughs _____
- 91-5 Lincoln/Logan Landfill _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- 86-2 City of LaSalle - Agency's motion to extend time to file response to City's Amended Petition (3/27)(JTM)
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- 86-161 Elizabeth Street Foundry - Complainant's motion for ruling on motion for entry of a Final Order (3/11)(JD)
-
- 87-107 Lake County Public Works - Petitioner's motion to amend internal deadlines on variance (3/20)(JTM)
-
- 89-72 Olin Corporation - Petitioner's motion for modification of February 7, 1991 Final Order (3/14)(BF)
-
- 89-177 CWM Chemical Services - Trade Secret determination (See Book E of Agency Record filed 3/21 and Agency Correction to administrative Record filed 3/22) (BF)
-
- 90-170 Goose Lake Assn. - Complainant's motion to add additional respondent (3/26)
-
- 90-187 Herman W. Prescott - Complainant's motion for leave to file answer and affirmative defenses (3/14)
-
- 90-221 Safety-Kleen - Stipulation and joint motion to dismiss (3/22)
-
- 91-4 Sexton Environmental - Petitioner's motion to maintain certain information confidential (See page 26, lines 14 through 20 of March 11 hearing transcript (3/25)
-
- 91-7 Land and Lakes - Petitioner's motion for certification of interlocutory appeal (3/25)
-
- 91-29 Commonwealth Edison - Edison's motion to file Instanter, response to Sierra Club's motion to dismiss (3/26)
-
- 91-34 City of DeKalb - Objection (3/21) & (3/26)(JTM)
-
- 91-49 LTV Steel - Agency's motion to extend time to file Record (3/27)
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MOTIONS: (Cont'd)

R90-25 Landfill Amendments - Utilities - Petitioner's motion to file limited copies of Groundwater Determination (3/20) (JA)

DISCUSSIONS:

* 90-95 ESG Watts (JD)(due 4/11)

* 90-144 ESG Watts (JTM)(due 4/11)

90-146 Village of Matteson (BF)

* 90-231 Frank Whitlock (JTM)(due 4/11)

* 90-239 Madison County Conservation Alliance (BF)(due 4/11)

REGULATORY DISCUSSIONS:

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

R88-14 Pharmaceuticals: Adopted Rule, Final Order, Opinion and Order (JD)

R90-24 Procedural Rules: Recycled Paper (JTM)

R91-7 RACT Deficiencies, Chicago, (Emergency Rule) (JTM)

R91-8 RACT Deficiencies, Metro-East, (Emergency Rule) (JTM)

AMENDED PETITIONS:

91-32 Village of Carbon Hill (filed 3/18)

NEW CASES:

90-3 Calvary Temple Church v. EPA (See also Petitioner's request for expedited decision filed 3/11; response to Order of the Board filed 3/26)

NEW CASES: Cont'd

- 91-39 TransTechnology Corporation v. EPA (See also Agency comments in response to March 8, 1991 Board Order and Agency motion to dismiss filed 3/22 and Petitioner's response filed 3/22) _____
- 91-42 Franklin D.R. Vickers and Ruth J. Vickers v. Village of Millstadt (See Respondent's motion for extension of time filed 3/19) _____
- 91-48 Wonder View Improvement Association v. Northern Illinois Utilities, Inc. _____
- 91-50 Karl Christ and Helen Christ v. Compost Enterprises, Inc. (see Respondent's motion to dismiss filed 3/14) _____
- 91-51 Norma Jane Collins v. Robert's Food and Fish (see Respondent's motion for substitution of parties filed 3/25) _____
- 91-52 Atwood Industries, Inc. v. EPA _____
- 91-53 People of the State of Illinois v. Enamellers and Japanners, Inc. _____
- 91-54 Ethyl Petroleum Additives, Inc. v. EPA (Provisional Variance) (JCM) _____
- 91-55 Village of Itasca v. EPA (Provisional Variance)(JCM) _____
- R91-10 Exemptions from the Definition of VOM _____

NEW AC CASES:

- 91-8 Laraway Recycling & Disposal Facility _____
- 91-9 W.W. Sanitation _____
- 91-10 Jersey Sanitation Corporation _____
- 91-11 Harold Lowry _____
- 91-12 Lincoln/Logan Landfill _____
- 91-13 Everett Allen _____

ADJUSTED STANDARDS MOTIONS:

88-2 Stepan Company - Petitioner's motion to hold hearings in
abeyance (3/13) _____

89-2 Elizabeth Street Foundry - Petitioner's motion for
rehearing and other relief (2/27)(JD)

MINUTES:

March 14, 1991 _____

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)
 86-4 City of Morris CSO (JD)
 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)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 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)
 89-44) Moline Corporation (BF)
 89-87)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 90-18 Robert Propheter (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59 Southern Pacific Railroad (RF)
 90-61 Duraco, Inc. (JCM)
 AC 90-79 Al Springman (JA)
 AC 90-81 George Ribble (JA)
 90-102 State Oil Company (JTM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 90-112 Chicago Heights Refuse Depot (RF)
 * 90-122 City of Lockport (JCM)(due 6/20)
 90-135 The Grigoleit Company (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 90-173 Earl R. Bradd (JA)(due 4/25)
 90-217 Raging Rivers Park (MN)
 90-218 A.B. Dick Company (RF)
 * 90-228 City of Mt. Vernon (JD)(due 5/23)
 90-230 F.S. Madison Service Company (JCM)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-2 Ford Motor Company (MN)
 * 91-2 Olin Corporation (JCM)(due 4/25)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-4 Sexton Environmental Systems (JA)(due 4/25)
- 91-5 Marjorie B. Campbell (JD)(due 4/25)
- * 91-7 Land and Lakes (JA)(due 8/22)
- 91-19 Sun Ag, Inc. (JA)
- 91-20 Amoco Petroleum Additives (JCM)
- * 91-21 Village of Gardner (JCM)(due 5/23)
- * 91-22 City of Minonk (RF)(due 5/23)
- * 91-34 City of DeKalb (JTM)(due 6/20)
- 91-40 Richheimer Food Company (JCM)
- * 91-41 City of West Chicago (MN)(due 6/20)