

MINUTES OF SPECIAL BOARD MEETING  
MAY 6, 1991 CHICAGO, ILLINOIS

Pursuant to notice given, Chairman Marlin called the meeting to order at 11:30 a.m. All Board Members were present save Dr. Flemal who was absent.

These regulatory matters were discussed and held to May 14, 1991 for further discussion or possible decision: R91-7, RACT Deficiencies, Chicago Area, Emergency Rule, Opinion and Order; R91-8, RACT Deficiencies, Metro-East Area, Emergency Rule, Opinion and Order.


In new cases these actions were taken by a vote of 6-0: ##91-61, Big River Zinc Corporation v. EPA, Petitioner's petition for variance was determined by the Board to be a petition for a RCRA variance and ordered Petitioner to file an amended petition within 45 days or the matter would be subject to dismissal, Agency granted 30 days from the filing of the amended petition to file its recommendation, Order by J. Anderson; 91-70, Commonwealth Edison Company v. EPA, accepted for hearing and Petitioner's revocable waiver rejected by the Board, Order by B. Forcade; R91-11, Certain Hazardous Wastes from Primary Zinc Smelting and Refining, 35 Ill. Adm. Code 721.104(b)(7)(U), Emergency Rule, Interim Order of the Board by J. Anderson.

A provisional variance was granted in new case #91-73, Gerstad Builders v. EPA, by a vote of 5-1. J. Dumelle dissented and Messrs. B. Forcade and J. Theodore Meyer concurred. (JCM)

By a vote of 6-0, the Board decided to hold a special meeting on Tuesday, May 14, 1991. The Clerk will post a notice.

There being no further business the meeting was adjourned.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 9<sup>th</sup> day of May, 1991, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



STATE  
OF  
ILLINOIS

# POLLUTION CONTROL BOARD

STATE OF ILLINOIS CENTER • 100 WEST RANDOLPH STREET • SUITE 11-500 • CHICAGO, ILLINOIS 60601 • 312-814-3620

JOHN C. MARLIN, CHAIRMAN  
URBANA, ILLINOIS

JOAN G. ANDERSON  
WESTERN SPRINGS, ILLINOIS

JACOB D. DUMELLE  
OAK PARK, ILLINOIS

RONALD C. FLEMAL  
DEKALB, ILLINOIS

BILL S. FORCADE  
CHICAGO, ILLINOIS

J. THEODORE MEYER  
CHICAGO, ILLINOIS

MICHAEL L. NARDULLI  
CHICAGO, ILLINOIS

## AMENDED NOTICE OF SPECIAL MEETING

The Illinois Pollution Control Board will meet at 11:30 a.m. on Monday, May 6, 1991 in Room 11-512 in the State of Illinois Center, 100 W. Randolph Street, Chicago, Illinois.

The agenda will be as follows:

### DECISIONS:

R91-7 RACT Deficiencies, Chicago Area, Emergency Rule, Opinion and Order (See also Agency motion to suspend emergency rulemaking filed 5/2; and IERG's motion in support filed 5/3)(JTM)

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R91-8 RACT Deficiencies, Metro-East Area, Emergency Rule, Opinion and Order (See also Agency motion to suspend emergency rulemaking filed 5/2 and IERG's motion in support file 5/3)(JTM)

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### NEW CASES:

91-61 Big River Zinc Corporation v. EPA (See also Petitioner's Motion for Stay filed 4/8; Agency response filed 4/17; Petitioner's motion for leave to file a reply to Agency response to Petitioner's motion for stay filed 4/23; Agency motion for leave to file a reply to Petitioner's reply filed 4/23; Agency motion for extension of time to file Recommendation filed 5/1 and Petitioner's response to motion for extension filed 5/2)

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91-70 Commonwealth Edison Company v. EPA (BF)

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NEW CASES: (Cont'd)

91-73 Gerstad Builders v. EPA (Provisional  
Variance)(JCM)

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R91-11 Certain Hazardous Wastes from Primary Zinc  
Smelting and Refining, 35 Ill. Adm. Code  
721.104(b)(7)(U), Emergency Rule (JA)

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JOHN C. MARLIN  
Chairman



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R91-8 RACT Deficiencies, Metro-East Area, Emergency Rule, Opinion and Order (See also Agency motion to suspend emergency rulemaking filed 5/2)(JTM)

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### MOTIONS:

91-4 Sexton Environmental Systems - Board Order for reconsideration (BF)

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91-61 Big River Zinc Corporation v. EPA (See also Petitioner's Motion for Stay filed 4/8; Agency response filed 4/17; Petitioner's motion for leave to file a reply to Agency response to Petitioner's motion for stay filed 4/23; Agency motion for leave to file a reply to Petitioner's reply filed 4/23 and Agency motion for extension of time to file Recommendation filed 5/1)

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NEW CASES: (Cont'd)

91-70

Commonwealth Edison Company v. EPA (BF)

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*John C. Marlin*

JOHN C. MARLIN  
Chairman

Posted and Circulated May 2, 1991