

**MINUTES OF REGULAR BOARD MEETING
JUNE 6, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #90-151, Thomas Steel Corporation, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-218, A.B. Dick Company, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (RCF)

An Opinion and Order was adopted in #90-230, F.S. Madison Service Company, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (JCM)

An Opinion and Order was adopted in #91-5, Marjorie B. Campbell, by a vote of 7-0. B. Forcade concurred. (JD)

An Opinion and Order was adopted in #91-20, Amoco Petroleum Additives Company, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (JCM)

An Opinion and Order was adopted in #91-40, Richheimer Food Company, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

In R90-24, Recycled Paper, a Proposed Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JTM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #91-21, Lincoln/Logan Landfill.

Respondent's motion to dismiss violation A(i) and Complainant's motion in opposition to Respondent's motion to dismiss violation A(i) in #AC 90-65, Arthur Fields, will be taken with the case-in-chief.

Respondent's motion to stay finding in #AC 90-64, Louis I. Mund, will be taken with the case-in-chief.

Respondent's motion to dismiss citation and Complainant's motion in opposition to Respondent's motion to dismiss in #AC 90-66, Sandra L. Petroff, will be taken with the case-in-chief.

Respondent's motion to dismiss the citation and Complainant's motion in opposition to Respondent's motion to dismiss the citation in #AC 90-67, Timothy E. Doctor, will be taken with the case-in-chief.

Petitioner's motion to vacate a May 23, 1991 Board Order and to

decide the case on Petitioner's Brief was denied in #85-140, Citizens Utilities Company, by a vote of 7-0. (MN)

An Order directing the parties to file a status report to be received by the Clerk of the Board no later than June 18, 1991, was adopted in #90-61, Duraco, Inc., by a vote of 7-0. (JCM)

Respondent's motion to reduce penalty was denied in #90-62, Sure-Tan, Inc., by a vote of 7-0. J. Theodore Meyer concurred. (JCM)

Agency motion for summary judgment was denied in #90-168, Williamson Adhesives, by a vote of 7-0. (JCM)

Respondent's motion for reconsideration of a May 9, 1991 Board Order was denied in #90-170, Goose Lake Association, by a vote of 7-0. (JCM)

Respondent's motion to add additional parties in #90-182, S. Scott Coggeshall, was referred to the Hearing Officer for disposition.

Complainants' motion to add party defendants in #90-200, Vito Zivoli, was referred to the Hearing Officer for disposition.

Motion for rehearing or modification of an April 11, 1991 Board Order by Respondents Robert and Arminda Bishop was denied in #90-231, Frank Whitlock, by a vote of 7-0. (JA)

Agency motion to file amended Recommendation Instanter was granted in #91-32, Village of Carbon Hill, by a vote of 7-0. (MN)

Respondent's motion to make Complainant's amended complaint more definite and certain was denied in #91-50, Karl and Helen Christ, by a vote of 7-0. (JCM)

Agency motion to file amended Recommendation Instanter was granted in #91-58, City of St. Charles, by a vote of 7-0. (RCF)

Petitioner's motion for dismissal was granted in #91-63, Office Park of Hinsdale, by a vote of 7-0. (BF)

Agency motion to file Recommendation Instanter was granted in #91-66, Village of Bensenville, by a vote of 7-0. (JTM)

In R90-18, Petition of USX Corporation for Hazardous Waste Delisting, a Proposed Rule, Dismissal Order, was adopted by a vote of 7-0. (JA)

These cases were discussed and held to June 20, 1991 for further discussion or possible decision: ##89-157, Clybourn Metal

Finishing Company; AC 90-36 (Dockets A & B), ESG Watts; AC 90-59 (Docket B), Southern Pacific Railroad; 90-122, City of Lockport; 91-34, City of DeKalb; 91-41, City of West Chicago.

These regulatory matters were discussed and held to June 20, 1991 for further discussion or possible decision: R89-5, Groundwater Protection, Proposed Rule, Second First Notice, Opinion and Order; R90-7, Agriculture-Related Pollution, Adopted Rule, Final Order; R90-9 (Docket B), Used and Waste Tire Regulations, Board Order.

In new cases these actions were taken by a vote of 7-0: ##91-88, County of Lake (Vernon Hills Water System) v. EPA, held for Agency Recommendation; 91-89, Citizens for Controlled Landfills v. Laidlaw Waste Systems (Belleville), Inc.; the Board on its own motion consolidated this petition with PCB 91-90, requested additional information and accepted the matter for hearing, **Order by B. Forcade**; 91-90, The YMCA of Southwest Illinois v. Laidlaw Waste Systems (Belleville), Inc. v. EPA, the Board on its own motion consolidated this petition with PCB 91-89 and accepted the matter for hearing, **Order by B. Forcade**; 91-91, Shell Oil Company v. EPA, provisional variance granted, **Order by J.C. Marlin**; 91-92, Chrysler Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin**; 91-93, DuPage Plating Company v. EPA, provisional variance granted, **Order by J.C. Marlin**.

This Administrative Citation was received by the Board: #91-27, Lincoln/Logan Landfill, Inc.

An Order directing Petitioner to file an amended petition within 30 days or the petition will be subject to dismissal, was adopted in #AS 91-4, Petition of Amoco Oil Company for Adjusted Standards, by a vote of 7-0. (JA)

Minutes of the May 14, 1991 Special Board Meeting were approved by a vote of 4-0. Messrs. B. Forcade, R.C. Flemal and J.C. Marlin abstained.

Minutes of the May 23, 1991 Board Meeting were approved by a vote of 6-0. J. Dumelle abstained.

In new case #R91-12, Petition of USX Corporation for Hazardous Waste Delisting, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 20th day of June, 1991, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 6, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

R91-12 Petition of USX Corporation for Hazardous Waste
Delisting, Proposal for Public Comment, Proposed
Opinion and Order (JA)

AC MOTIONS:

90-64 Louis I. Mund - Respondent's motion to stay finding
(5/30)(BF)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 6, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 90-151 People of the State of Illinois v. Thomas Steel Corporation (JCM) (Stip)_____
- 90-218 People of the State of Illinois v. A.B. Dick Company (RCF) (Stip)_____
- 90-230 People of the State of Illinois v. F.S. Madison Service Company (JCM) (Stip)_____
- * 91-5 Marjorie B. Campbell (JD)(due)_____
- 91-20 People of the State of Illinois v. Amoco Petroleum Additives Company (JCM) (Stip)_____
- 91-40 People of the State of Illinois v. Richheimer Food Company (JCM) (Stip)_____
- R90-24 Recycled Paper, Proposed Rule, First Notice, Proposed Opinion and Order (JTM)_____

AC DECISIONS:

- 91-21 Lincoln/Logan Landfill_____

AC MOTIONS:

- 90-65 Arthur Fields - Respondent's motion to dismiss violation A(i)(5/20), Complainant's motion in opposition to motion to dismiss violation A(i)(5/31)(BF)

AC MOTIONS: (Cont'd)

90-66 Sandra L. Petroff - Respondent's motion to dismiss the Citation (5/20), Complainant's motion in opposition to Respondent's motion to dismiss the Citation (5/31)(BF)

90-67 Timothy E. Doctor - Respondent's motion to dismiss the Citation (5/20), Complainant's motion in opposition to Respondent's motion to dismiss the Citation (5/31)(BF)

MOTIONS:

72-326) Velsicol Chemical - Petitioner's motion for modification
72-351) or termination of April 5, 1973 Board Order (5/29)

85-140 Citizens Utilities Company - Petitioner's motion to vacate May 23, 1991 Board Order and to take case on Petitioner's Brief (6/3), Agency motion in opposition to Petitioner's motion to vacate May 23, 1991 Board Order and to take case on Petitioner's Brief (6/5)(MN)

87-191 Lefton Iron & Metal - Complainant's motion to reconsider May 23, 1991 Board Order (6/5)(JD)

89-184 The Grigoleit Company - Petitioner's motion for sanctions and other relief (5/30)

90-61 Duraco, Inc. - Status Report Board Order (JCM)

90-62 Sure-Tan - Respondent's motion to reduce penalty (5/13) (JCM)

90-168 Williamsom Adhesives - Agency motion for summary judgement (6/3)

90-170 Goose Lake Association - Respondent's motion for reconsideration of May 9, 1991 Board Order (5/15) (JCM)

90-182 S. Scott Coggeshall - Respondents motion to add additional parties (5/24)

90-200 Vito Zivoli - Complainants' motion to add Party Defendants (5/29)

MOTIONS: (Cont'd)

- 90-231 Frank Whitlock - motion by Respondents Robert and Arminda Bishop for rehearing or modification of April 11, 1991 Order (5/16), Petitioners' response to motion for reconsideration or to modify April 11, 1991 Board Order (6/3)(JA) _____
- 91-4 Sexton Environmental Systems - Agency motion for reconsideration of April 25, 1991 Board Order (5/30) (JA) _____
- 91-32 Village of Carbon Hill - Agency motion to file amended Recommendation Instanter (5/30)(MN) _____
- 91-50 Karl and Helen Christ - Respondent's motion to make Complainant's amended formal complaint more definite and certain (5/17) _____
- 91-58 City of St. Charles - Agency motion to file amended Recommendation Instanter (5/24)(RCF) _____
- 91-63 Office Park of Hinsdale - Petitioner's motion for dismissal (5/24)(BF) _____
- 91-64 Charles & Senoria Brown - Agency motion to dismiss (5/3) (See also Agency supplement to motion to dismiss and Exhibit VII filed 5/6; and motion retraxit by Charles & Senoria Brown, C & S Auto Plaza and North End Plaza Sales & Service filed 5/13) _____
- 91-66 Village of Bensenville - Agency motion to file Recommendation Instanter (5/29)(JTM) _____
- R88-8 Census of Section 21(d) Facilities - motion to dismiss by Illinois Environmental Regulatory Group (3/29), Agency response to Illinois Environmental Regulatory Group's motion to dismiss (4/9)(JA) _____
- R90-18 Petition of USX Corporation - Petitioner's response to April 25, 1991 Board Order (5/9)(JA) _____

DISCUSSIONS:

- 89-157 Clybourn Metal Finishing Company (JD) _____

DISCUSSIONS: (Cont'd)

- AC 90-36 ESG Watts (JCM) _____
(A & B)
- AC 90-59 Southern Pacific Railroad (RCF) _____
(B)
- * 90-122 City of Lockport (JCM)(due 6/20) _____
- * 91-34 City of DeKalb (JTM)(due 6/20) _____
- * 91-41 City of West Chicago (MN)(due 6/20) _____

REGULATORY DISCUSSIONS:

- R89-5 Groundwater Protection, Proposed Rule, Second First
Notice, Opinion and Order (RCF) _____
- R90-7 Agriculture-Related Pollution, Adopted Rule, Final
Order, Order (RCF) _____
- R90-9 Used and Waste Tire Regulations, Board Order (JCM)
(B) _____

NEW CASES:

- 91-88 County of Lake (Vernon Hills Water System) v. EPA

- 91-89 Citizens for Controlled Landfills v. Laidlaw Waste
Systems (Belleville), Inc. _____
- 91-90 The YMCA of Southwest Illinois v. Laidlaw Waste Systems
(Belleville), Inc. _____
- 91-91 Shell Oil Company v. EPA (Provisional Variance)(JCM)

- 91-92 Chrysler Corporation v. EPA (Provisional Variance)(JCM)

- 91-93 DuPage Plating Company v. EPA (Provisional
Variance)(JCM) _____

NEW AC CASES:

- 91-27 Lincoln/Logan Landfill, Inc. _____

NEW ADJUSTED STANDARDS:

91-3 Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D (See also Petitioner's Trade Secret Claim Letter for Appendix G of Petition; request for hearing by Steve Rone filed 5/13; and Petitioner's response to April 25, 1991 Board Order filed 5/15)(JD) _____

91-4 Petition of Amoco Oil Company for Adjusted Standards from 35 Ill. Adm. Code 725.213(d)(1)(B) and 725.321(a) _____

MINUTES:

MAY 14, 1991 (Special Board Meeting) _____

May 23, 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)(RCF)
 86-58)
 86-62) Monsanto Company (Remand)(RCF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JCM)
 * 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)
 89-158 Gilbertson Clybourn (BF)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 90-18 Robert Propheter (MN)
 AC 90-36 ESG Watts, Inc. (JCM)
 AC 90-38(B) Harold Fults (JD)
 AC 90-56 Steve Gilbert (JCM)
 90-59 Michael L. Christianson (MN)
 90-61 Duraco, Inc. (JCM)
 AC 90-64 Louis Mund (BF)
 AC 90-65 Arthur Fields (BF)
 AC 90-66 Sandra L. Petroff (BF)
 AC 90-67 Timothy E. Doctor (BF)
 AC 90-79(B) Al Springman (JCM)
 AC 90-81(B) George Ribble (JCM)
 90-102 State Oil Company (JTM)
 90-112 Chicago Heights Refuse Depot (RCF)
 90-135 The Grigoleit Company (BF)
 90-146 Village of Matteson (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 91-2 Olin Corporation (JTM)(due 9/12)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-7 Land and Lakes (JA)(due 12/19)
 91-19 Sun Ag, Inc. (JA)
 * 91-32 Village of Carbon Hill (MN)(due 8/22)
 * 91-33 Village of Milan (JCM)(due 7/25)
 * 91-58 City of St. Charles (RCF)(due 7/25)
 * 91-59 Village of Westmont (MN)(due 7/25)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-66 Village of Bensenville (JTM)(due 8/8)