

**MINUTES OF REGULAR BOARD MEETING
MARCH 14, 1991 CHICAGO, ILLINOIS**

All Board Members were present. Chairman Marlin called the meeting to order and recognized Bonnie Meyer, who informed the Board that she will be assuming other duties in the Department of Energy and Natural Resources. Ms. Meyer then introduced William A. Denham who will assume her responsibilities as coordinator of the Economic Impact Assessment Program.

An Opinion and Order was adopted in #AC 89-156(B), John Gordon, by a vote of 5-1. J. Theodore Meyer dissented and J. Dumelle abstained. (BF)

An Opinion and Order was adopted in #89-205, Vito Zivoli, by a vote of 7-0. (MN)

J. Dumelle presented a draft Opinion and Order in #90-177, A.K.A. Land. An alternate Opinion and Order by J. Anderson, seconded by R. Flemal, carried by a vote of 4-3 with J. Anderson, R. Flemal, J. Marlin and J. Theodore Meyer for it and J. Dumelle, B. Forcade and M. Nardulli against it. The alternate Opinion and Order was then adopted by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and M. Nardulli dissented. (JA)

In R90-9(A & B), Used and Waste Tire Regulations, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JCM)

In R90-23, General Motors, Corporation, an EcIS Determination Order was adopted by a vote of 7-0. (BF)

In R90-25, Utility Industry Amendments to the Landfill Regulations, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #91-1, Everett Allen; 91-2, Everett Allen; 91-3, Lincoln/Logan Landfill.

Agency motion to withdraw administrative citation, dismiss action and vacate October 11, 1990 Order was granted in #AC 90-76, Johnson Blackwell, by a vote of 7-0. (JCM)

Agency motion to amend administrative citation and correct January 24, 1991 Board Order was granted in #AC 90-95, Johnson Blackwell, by a vote of 7-0. (JCM)

By a vote of 7-0, the parties in #89-94, Reichhold Chemicals, were ordered to file a status report no later than May 14, 1991, that shall inform the Board of the present status of the proceeding and specifically identify what future action, if any,

will be necessary. (BF)

Petitioner's motion to withdraw was granted in #90-86, Container Corporation, by a vote of 7-0. (BF)

Petitioner's motion to strike the Agency's amended denial statement in #90-173, Earl R. Bradd, will be taken with the case-in-chief.

Agency motion for leave to file variance recommendation instanter was granted in #90-227, DMI, Inc., by a vote of 7-0. (JCM)

Petitioner's motion for reconsideration of a February 7, 1991 Board Order was denied in #91-1, Alton Community Unit School District, by a vote of 6-0. J. Dumelle abstained. (MN)

By a vote of 7-0, Petitioner's request for oral argument and motion for leave to file a reply instanter was denied. Petitioner's motion for reconsideration of a February 7, 1991 Board Order was granted and upon reconsideration the Board affirmed its decision to grant intervenor status to the People of Will County in #91-7, Land and Lakes Company. J. Anderson concurred. (BF)

Agency motion for summary judgment was granted in part and denied in part in #91-9, Sparkling Spring Mineral Water, by a vote of 7-0. (JTM)

Agency motion to file recommendation instanter was granted in #91-21, Village of Gardner, by a vote of 7-0. (JCM)

Agency motion to file recommendation instanter was granted in #91-22, City of Minonk, by a vote of 7-0. (JCM)

These cases were discussed and held to March 28, 1991 for further discussion or possible decision: ##87-91, American Steel Container, Drum Shop; AC 90-59 (A & B), Southern Pacific Railroad; 90-95, ESG Watts; 90-144, ESG Watts; 90-224, City of Prospect Heights; 90-229, North Suburban Public Utility.

In new cases these actions were taken by a vote of 7-0: ##90-3, Calvary Temple Church v. EPA, petitioner ordered to provide certain information by March 26, 1991, Order by R.C. Flemal; 91-29, Commonwealth Edison Company v. EPA, accepted for hearing and petition to intervene by the Sierra Club was granted, Order by J. Anderson; 91-30, Susan A. Curtis and Marcy Diesing v. Material Service, hearing mandatory; 91-38, American Waste Processing, Ltd. v. EPA, accepted for hearing, Order by B. Forcade; 91-40, People of the State of Illinois v. Richeimer Food Company, d/b/a Richeimer Coffee Company, hearing mandatory; 91-41, City of West Chicago v. EPA, held for Agency Recommendation; 91-42, Franklin D.R. Vickers and Ruth J. Vickers

v. Village of Millstadt, held for Duplicitous/Frivolous Determination; 91-43, Nutrasweet v. EPA, provisional variance granted, B. Forcade concurred, Order by J.C. Marlin; 91-44, Texas Eastern Gas Pipeline Company v. EPA, provisional variance granted, B. Forcade concurred, Order by J.C. Marlin; 91-45, Village of Bluffs v. EPA, provisional variance granted, B. Forcade concurred, Order by J.C. Marlin; 91-46, Natural Gas Pipeline Company v. EPA, provisional variance granted, B. Forcade concurred, Order by J.C. Marlin; 91-47, Century Resources, Inc. v. EPA, provisional variance granted, B. Forcade concurred, Order by J.C. Marlin; 91-48, Wonder View Improvement Association v. Northern Illinois Utilities, Inc., additional information requested and held for Duplicitous/Frivolous Determination, Order by B. Forcade.

This Administrative Citation was received by the Board: #91-7, Everett Allen.


Agency motion for extension of time to respond to Petitioner's motion for rehearing and other relief was granted until March 29, 1991 in #AS 89-2, Elizabeth Street Foundry, by a vote of 7-0 (JD)

Minutes of the February 28, 1991 Board Meeting and March 8, 1991 Special Board Meeting were approved by a vote of 6-0. J. Dumelle abstained.

New case #91-49, LTV Steel Company, Inc. v. EPA was accepted for hearing by a vote of 7-0. (BF)

All other matters not disposed of as listed were ordered held to March 28, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 28th day of March, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 14, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 89-156 John Gordon (BF) _____
(B)
- 89-205 Vito Zivoli (MN) _____
- 90-62 Sure Tan, Inc. (JCM) _____
- * 90-177 A.K.A. Land, Inc. (JD)(due) _____
- R90-9 Used and Waste Tire Regulations, Proposed Rule, Second
(A & B) Notice, Opinion and Order (JCM)

- R90-23 General Motors Corporation, EcIS Determination, Order
(BF) _____
- R90-25 Utility Industry Amendments to the Landfill Regulations,
Proposed Rule, First Notice, Opinion and Order (JA)

AC DECISIONS:

- 91-1 Everett Allen _____
- 91-2 Everett Allen _____
- 91-3 Lincoln/Logan Landfill _____

AC MOTIONS:

- 90-76 Johnson Blackwell - Agency motion to withdraw
Administrative Citation, dismiss action and vacate
October 11, 1990 Board Order (2/19)(JCM)

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS: (Cont'd)

90-95 Johnson Blackwell - Agency motion to amend
Administrative Citation and correct January 24, 1991
Board Order (2/19)(JCM)

MOTIONS:

86-161 Elizabeth Street Foundry - Complainant's motion for
ruling on motion for entry of a Final Order (3/11)(JD)

89-94 Reichhold Chemicals - Board Order (BF)

90-86 Container Corporation - Petitioner's motion to withdraw
(3/12)

90-173 Earl R. Bradd - Petitioner's motion to strike Agency's
amended denial statement (3/1), Agency response to
Petitioner's motion to strike Agency's amended denial
statement (3/11)(JA)

90-227 DMI, Inc. - Agency motion for leave to file variance
Recommendation Instanter (3/11)

91-1 Alton Community Unit School District - Petitioner's
motion for reconsideration of February 7, 1991 Board
Order (3/5)(MN)

91-7 Land and Lakes - Petitioner's motion to reconsider
(2/19), Will County's response to Petitioner's motion to
reconsider (3/5), Petitioner's motion for leave to file
reply Instanter (3/12)(BF)

91-9 Sparkling Spring Water - Agency motion for summary
judgment (2/5)

91-21 Village of Gardner - Agency motion to file
Recommendation Instanter (3/8)(JCM)

91-22 City of Minonk - Agency motion to file Recommendation
Instanter (3/11)(RF)

DISCUSSIONS:

- * 87-91 American Steel Container, Drum Shop (MN)(due 3/28)

- AC 90-59 Southern Pacific Railroad (RF) _____
(A & B)
- * 90-95 ESG Watts (JD)(due 3/28) _____
- * 90-144 ESG Watts (JTM)(3/28) _____
- * 90-224 City of Prospect Heights (RF)(due 3/28)

- * 90-229 North Suburban Public Utility (RF)(due 3/28)

REGULATORY DISCUSSIONS:

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

AMENDED PETITIONS:

- 86-2 City of LaSalle CSO (filed 3/1)(JTM)

- 86-3 City of Oglesby CSO (filed 2/4)(JA)

- 90-122 City of Lockport (filed 2/28)(JCM)

NEW CASES:

- 90-3 Calvary Temple Church v. EPA (See also Petitioner's
request for expedited decision filed 3/11)

- 91-29 Commonwealth Edison Company v. EPA (See also Objection
of Sierra Club and petition to intervene filed 2/22 and
Izaak Walton League of America filed 2/27)

- 91-30 Susan A. Curtis and Marcy Diesing v. Material Service

NEW CASES: (Cont'd)

- 91-38 American Waste Processing, Ltd. v. EPA (BF)

- 91-40 People of the State of Illinois v. Richheimer, d/b/a
Richheimer Coffee Company_____
- 91-41 City of West Chicago v. EPA_____
- 91-42 Franklin D.R. Vickers and Ruth J. Vickers v. Village of
Millstadt_____
- 91-43 Nutrasweet v. EPA (Provisional Variance) (JCM)

- 91-44 Texas Eastern Gas Pipeline Company v. EPA (Provisional
Variance) (JCM)_____
- 91-45 Village of Bluffs v. EPA (Provisional Variance) (JCM)

- 91-46 Natural Gas Pipeline Company v. EPA (Provisional
Variance) (JCM)_____
- 91-47 Century Resources, Inc. v. EPA (Provisional Variance)
(JCM)_____
- 91-48 Wonder View Improvement Association v. Northern Illinois
Utilities, Inc._____

NEW AC CASES:

- 91-7 Everett Allen_____

ADJUSTED STANDARDS MOTIONS:

- 89-2 Elizabeth Street Foundry - Petitioner's motion for
rehearing and other relief (2/27), Agency motion for
extension of time to respond (3/11)(JD)

MINUTES:

- February 28, 1991 Board Meeting_____
- March 8, 1991 (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)
 86-3 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)
 90-12 Hysan Corporation (MN)
 90-18 Robert Propheet (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 5/23)
 90-135 The Grigoleit Company (BF)
 90-146 Village of Matteson (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)
 * 90-231 Frank Whitlock (JTM)(due 4/11)
 * 90-239 Madison County Conservation (BF)(due 4/11)

PENDING CASES ASSIGNED: (Cont'd)

AS	91-1	Keystone Steel & Wire (JA)
AS	91-2	Ford Motor Company (MN)
*	91-2	Olin Corporation (JCM)(due 4/25)
*	91-7	Land and Lakes (JA)(due 8/27)
	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)

**MINUTES OF SPECIAL BOARD MEETING
MARCH 8, 1991 CHICAGO, ILLINOIS**

All Board Members were present save J. Dumelle who was ill.

Pursuant to notice given Chairman Marlin called the meeting to order at 2:00 p.m..

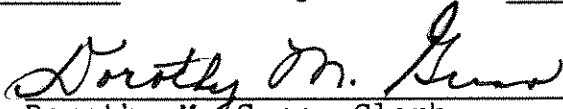
An Opinion and Order was adopted in #89-179, Tony F. Martin and Patricia R. Martin, by a vote of 6-0. (MN)

Agency motion for summary judgment was denied in #91-4, Sexton Environmental Systems, by a vote of 5-1. B. Forcade dissented. (JA)

By a vote of 6-0, Petitioner's motion to maintain certain information confidential pending a decision by the Agency on a trade secret claim in #91-4, Sexton Environmental Systems, was granted and Petitioner was directed to file with the Board one copy of its permit record with the confidential information expunged so that the Board may properly place the record with the expunged information in its public file. (JA)

By a vote of 6-0, an Order was adopted directing the parties to simultaneously brief with specificity, by March 22, 1991, the issue of what jurisdictional basis exists for the Board to hear the action in new case #91-39, TransTechnology Corporation. (BF)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 14th day of March, 1991, by a vote of 6-0.



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
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CHICAGO, ILLINOIS

J. THEODORE MEYER
CHICAGO, ILLINOIS

MICHAEL L. NARDULLI
CHICAGO, ILLINOIS

NOTICE OF SPECIAL MEETING

The Illinois Pollution Control Board will meet at 2:00 p.m. on Friday, March 8, 1991 in Room 11-512 in the State of Illinois Center, 100 W. Randolph Street, Chicago, Illinois.

The agenda will be as follows:

DECISIONS:

89-179 Tony F. Martin and Patricia R. Martin (MN) (Stip)

MOTIONS:

91-4 Sexton Environmental Systems - Agency motion for summary judgment (2/25), Petitioner's response in opposition to Agency motion for summary judgment (3/7), Petitioner's motion to maintain certain information confidential (3/7)(JA)

NEW CASES:

91-39 TransTechnology Corporation v. EPA (JA)

JOHN C. MARLIN
Chairman