

**MINUTES OF REGULAR BOARD MEETING
AUGUST 22, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #88-78, Abbott Laboratories, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #89-157(B), Clybourn Metal Finishing Company, by a vote of 5-2. J. Anderson and J.C. Marlin dissented and J. Theodore Meyer concurred. (JD)

An Opinion and Order was adopted in #AC 90-64(A & B), Louis Mund, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-65(A & B), Arthur Fields, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-66(A & B), Sandra Petroff, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 90-67(A & B), Timothy Doctor, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #90-242, Ensign Bickford Company, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #91-12, Zeigler Coal Company, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #91-32, Village of Carbon Hill, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

The Board on its own motion rescinded an August 8, 1991 correction Order in R90-11, RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), by a vote of 7-0. (JA)

In R91-6, PM₁₀ Portland Cement and Quarries, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R91-18, Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous (Infectious) Hospital Waste, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-35, Arthur Gale; 91-36, James Qualls.

Agency motion to withdraw the complaint in #AC 89-145, Roger Miller, was granted by a vote of 7-0. (JCM)

An Order remanding the matter to the Agency for further action consistent with a Fifth District Appellate Court Opinion was adopted in ##86-57, -62, Village of Sauget and 86-58, -63, Monsanto Company, by a vote of 7-0. (RCF)

Agency motions for consolidation and for continuance were granted in ##90-89, -91-123, Fred Johnson et al. and Herman Loeb, by a vote of 7-0. (JTM)

By a vote of 7-0, an Order advising Petitioner that the Board will provide protection for the confidential material contained in its Joint Exhibit #2 pending final resolution of the matter and that all other exhibits will be placed in the Board's public files, was adopted in #90-135, The Grigoleit Company. (BF)

Joint motion to dismiss was granted in #90-145, Gallatin National Company, by a vote of 7-0. (BF)

An Order requesting additional monitoring data was adopted in #90-146, Village of Matteson, by a vote of 7-0. (BF)

Petitioner's motion to compel the Agency to file its answer in #91-18, Illinois Central Railroad, was referred to the Hearing Officer for disposition.

Agency motion to file Record Instanter was granted in #91-101, Merle K. Buerkett, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion to cancel hearing was granted and the Board rescinded its August 8, 1991 Order setting the matter for hearing in #91-104, Village of Fox River Grove. (JA)

Agency motion for summary judgement was granted in #91-112, Williamson Adhesives, by a vote of 7-0. (MN)

Because the Board received an objection, a hearing will be set in #91-121, Village of Channahon. The vote was 7-0. (JA)

By a vote of 7-0, the parties were ordered to file, within 30 days, a request for relief from the requirement for a hearing in #91-129, City of Bloomington. (JCM)

These cases were discussed and held to September 12, 1991 for further discussion or possible decision: ##85-140, Citizens Utilities Company; 90-112, Chicago Heights Refuse Depot; R90-1, Toxic Air Contaminants List, Proposed Rule, Second First Notice, Opinion and Order; R90-24, Recycled Paper, Proposed Rule, Second Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: #91-128, Oather Druen, Evelyn Druen, and Amy Pirtle v. James

Leonard, Respondent's motion to dismiss denied and accepted for hearing, Order by J. Anderson; 91-136, Don Bolander v. Monticello Bus Service, Wayne Kruger, President, held for Duplicitous/Frivolous Determination; 91-137, Amoco Oil Company v. EPA, motion to appear pro hac vice ganted and accepted for hearing, Order by B. Forcade; 91-138, Kronon Motor Sales, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-139, R. Lavin & Sons, Inc. v. EPA, additional information requested, Order by B. Forcade; 91-140, Waste Management of Illinois, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-141, Christian County Landfill, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-142, EPA v. Broadwell Grain Elevator, Inc., hearing mandatory; 91-143, Motorola, Inc. v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-144, Village of Stillman Valley v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-145, City of Galva v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-146, James W. Turner, Sr. v. Richard P. Toft, Prsident, Chicago Title & Trust Company, held for Duplicitous/Frivolous Determination; 91-147, James W. Turner, Sr. v. Mark Edmiston, held for Duplicitous/Frivolous Determination; 91-148, James W. Turner, Sr. v. Don Franke, held for Duplicitous/Frivolous Determination; 91-149, Minnesota Mining and Manufacturing Company v. EPA, accepted for hearing, Order by B. Forcade; 91-150, People of the State of Illinois v. World's Finest Chocolate, hearing mandatory; R91-18, Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous (Infectious) Hospital Waste, See Decisions Agenda; R91-19, Potentially Infectious Medical Waste (PIMW): Etiological Agents, Docket Reserved; R91-20, Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities, Docket Reserved; R91-21, Potentially Infectious Medical Waste (PIMW): Transportation, Packaging, and Labeling, Docket Reserved; R91-22, PM₁₀ Emission Limits in the McCook and Lake Calumet Areas in Cook County, Illinois, and Granite City Area in Madison County, Illinois, proposal accepted for hearing, Agency motion that it be allowed to submit four complete copies of the proposal and six partial copies of the proposal, rather than the original and nine complete copies; that it need not supply the Attorney General with a complete copy of the proposal; that the entire package not be submitted at this time; and that it need not provide copies of material to be incorporated by reference granted, Order by J. Theodore Meyer.

Because a Petition for Review was received, a hearing will be set in this Administrative Citation: #91-34, William S. Popejoy.

These Administrative Citations were received by the Board: #91-37, Hubert Larson and John Strange; 91-38, Danny Mains; 91-39, South Holland Trust, et al..

Agency motion for extension of time to file its Recommendation

was granted until August 30, 1991 in #AS 91-1, Petition of Keystone Steel and Wire Company, by a vote of 7-0. (JA)

Petitioner's motion to withdraw its request for hearing was granted in #AS 91-4, Petition of Amoco Oil Company, by a vote of 7-0. (JA)

By a vote of 7-0, the Board directed the Petitioner to file the appropriate number of copies of the materials from those prior records it wishes to incorporate by reference in #AS 91-5, Petition of Elizabeth Street Foundry. (JCM)


An Order denying the Agency's motion to dismiss but granting the alternative request to file its response to the petition in #AS 91-6, Petition of Dart Container Corporation of Illinois, was adopted by a vote of 7-0. (JTM)

Minutes of the August 8, 1991 Board Meeting were approved by a vote of 7-0.

The Board then decided to hold a special meeting on August 26, 1991. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to September 12, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 12th day of September, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 22, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 88-78 Abbott Laboratories (JD)(open waiver)

- 89-157 Clybourn Metal Finishing Company (JD) _____
(B)
- AC 90-64 Louis Mund (BF) _____
(A & B)
- AC 90-65 Arthur Fields (BF) _____
(A & B)
- AC 90-66 Sandra Petroff (BF) _____
(A & B)
- AC 90-67 Timothy Doctor (BF) _____
(A & B)
- 90-102 State Oil Company (JTM) _____
- * 90-242 Ensign Bickford Company (JD)(due)

- * 91-7 Land and Lakes (JA)(due 12/19)

- * 91-12 Zeigler Coal Company (JD)(due)

- * 91-32 Village of Carbon Hill (MN)(due)

- * 91-72 Clean Quality Resources (MN)(due)

- R90-11 RCRA Update, (April 1, 1990 through June 30, 1990)
Recind correction order (JA) _____

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

R91-6 PM₁₀ Portland Cement and Quarries, Proposed Rule, Second Notice, Opinion and Order (BF)

R91-18 Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous (Infectious) Hospital Waste, Proposed Rule, First Notice, Opinion and Order (RCF)

AC DECISIONS:

91-35 Arthur Gale

91-36 James Qualls

AC MOTIONS:

89-145 Roger Miller - Complainant's motion to withdraw complaint and dismiss (8/20)(JCM)

91-33 Thomas Hubbard - Complainant's motion to dismiss (8/12) (JCM)

MOTIONS:

86-57 Sauget/Monsanto - Board Order (RCF)
86-58

89-106 D & B Refuse Service - Petitioner's closing Argument Instanter (8/19); motion to strike (8/19)(MN)

90-65 General Electric Company - Agreed motion to dismiss and agreement (8/15)

90-89 Fred Johnson - Complainant's motion for consolidation and motion for continuance (8/14)

90-108 Little Ceasar's Pizza - Complainants' motion for additional relief (8/12)(JD)

90-135 Grigoleit Company - Petitioner's response to 7/25/91 Board Order (8/20)(BF)

90-145 Gallatin National Co. - Joint motion to dismiss (8/12) (BF)

MOTIONS: (Cont'd)

- 90-146 World Music Theatre - Respondents' response to 8/8/91 Board Order (8/20)(BF)
- 91-18 Illinois Central Railroad - Petitioner's motion to compel Agency to file its Answer (8/16)
- 91-101 Merle K. Buerkett - Agency motion to file Record Instanter(8/19)
- 91-104 Fox River Grove - Staurowsky withdrawal of letter of objection (8/19); Petitioner's motion to cancel hearing (8/20)(JD)
- 91-112 Williamson Adhesives - Agency motion for summary judgement (7/23)(MN)
- 91-118 City of Braidwood - Agency motion to dismiss (7/25)
- 91-121 Village of Channahon - Letter of Objection (8/8)(JA)
- 91-129 City of Bloomington - Board Order (JCM)
- 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); DENR's comments in response to May 9, 1991 Board Order and IERG's motion to dismiss (6/3); Waste Management of Illinois' response to IERG's motion to dismiss (6/13); IERG's reply to Waste Management of Illinois' response to IERG's motion to dismiss (6/28); Waste Management of Illinois' supplemental comments in response to IERG's motion to dismiss (7/3)(JA)

DISCUSSIONS:

- 85-140 Citizens Utilities Company (MN)
- 90-112 Chicago Heights Refuse Depot (RCF)

REGULATORY DISCUSSIONS:

R90-1 Toxic Air Contaminants List, Proposed Rule, Second First Notice, Opinion and Order (JCM)

R90-24 Recycled Paper, Proposed Rule, Second Notice, Opinion and Order (JTM)

AMENDED PETITIONS:

91-138 Kronon Motor Sales (8/21)

NEW CASES:

91-128 Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard (See also Respondent's motion to dismiss formal complaint filed 7/31)

91-136 Don Bolander v. Monticello Bus Service, Wayne Kruger, President

91-137 Amoco Oil Company v. EPA (see pro hac vice motion)(BF)

91-138 Kronon Motor Sales, Inc. v. EPA (BF)

91-139 R. Lavin & Sons, Inc. v. EPA (BF)

91-140 Waste Management of Illinois, Inc. v. EPA (BF)

91-141 Christian County Landfill, Inc. v. EPA (BF)

91-142 EPA v. Broadwell Grain Elevator, Inc.

91-143 Motorola, Inc. v. EPA (Provisional Variance)(JCM)

91-144 Village of Stillman Valley v. EPA (Provisional Variance (JCM)

91-145 City of Galva v. EPA (Provisional Variance) (JCM)

91-146 James W. Turner, Sr. v. Richard P. Toft, President, Chicago Title & Trust, Co. (see Respondent's motion to dismiss (8/21))

NEW CASES: (Cont'd)

- 91-147 James W. Turner, Sr. v. Mark Edmiston _____
- 91-148 James W. Turner, Sr. v. Don Franke _____
- 91-149 Minnesota Mining and Manufacturing Company v. EPA (BF)

- 91-150 People of the State of Illinois v. World's Finest
Chocolate (JCM) _____
- R91-18 Repeal of 35 Ill. Adm. Code 809, Subpart I: Hazardous
(Infectious) Hospital Waste (SEE DECISIONS)

- R91-19 Potentially Infectious Medical Waste (PIMW):
Etiological Agents (RESERVED) _____
- R91-20 Potentially Infectious Medical Waste (PIMW): Treatment,
Storage, and Transfer Facilities (RESERVED)

- R91-21 Potentially Infection Medical Waste (PIMW):
Transportation, Packaging, and Labeling (RESERVED)

- R91-22 PM-10 Emission Limits in the McCook and Lake Calumet
Areas in Cook County, Illinois, and the Granite City
Area in Madison County, Illinois (see motions--Agency
motion for waiver of requirements, motion for expedited
hearings, request for EcIS determination, (8/19))

- R91-23 Marathon Oil Company Petition for Site-Specific Rule
Change _____
- R91-24 VOM Definitions, Newly Published, RESERVED _____

AC APPEALS:

- 91-34 William S. Popejoy _____

NEW AC CASES:

- 91-37 Hubert Larson and John Strange _____
- 91-38 Danny Mains _____
- 91-39 South Holland Trust, et al. _____

ADJUSTED STANDARDS MOTIONS:

- 91-1 Keystone Steel and Wire - Agency motion for a 39-day extension to file Recommendation (8/12)(JA)

- 91-3 Peoria Disposal - Envirite Corp. motion to intervene (8/19)(JD)

- 91-4 Amoco Oil Company - Petitioner's motion to withdraw request for hearing (8/15)(JA)

- 91-5 Elizabeth Street Foundry - Petitioner's motion to incorporate record of prior proceeding AS 89-2 (8/8) (JCM)

NEW ADJUSTED STANDARDS:

- 91-6 Dart Container Corporation of Illinois (See also Agency motion to dismiss filed 8/6); Dart response to Agency motion to dismiss (8/19)(JTM)

MINUTES:

August 8, 1991 _____

PENDING CASES ASSIGNED:

85-95 Citizens Utilities (Remand)(JA)
 * 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)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-132 City of Chicago (RCF)
 AS 88-2 Stepan Company (JCM)
 AC 88-62 City of Chicago (JCM)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 89-94 Reichhold Chemicals (Remand)(BF)
 * 89-106 D & B Refuse Service (MN)(due 10/24)
 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)
 AC 90-26(B) ESG Watts (JCM)
 AC 90-38(B) Harold Fults (JD)
 90-59 Michael L. Christianson (MN)
 90-60 Allied Hastings Barrel & Drum Company (JCM)
 AC 90-91 Bernard Leitschuh (BF)
 90-124 Rock Valley Oil Company (JCM)
 90-135 The Grigoleit Company (BF)
 90-140 G & K Investments (BF)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (MN)
 90-149 Straders Logging and Lumber Mill (MN)
 AS 91-1 Keystone Steel & Wire (JA)
 * 91-2 Olin Corporation (JCM)(due 12/19)
 AS 91-3 Peoria Disposal Company (JD)
 91-42 Village of Millstadt (JCM)
 91-78 Sure Plus Manufacturing Company (JA)
 91-79 Torvac, Inc. (RCF)
 * 91-88 County of Lake (RCF)(due 9/26)
 * 91-89) Citizens for Controlled Landfills (JD)(due 9/26)
 91-90)
 * 91-96 The Ensign Bickford Company (JD)(due 10/10)
 * 91-104 Village of Fox River Grove (JD)(due 11/7)
 * 91-106 Village of Roxana (JTM)(due 10/10)
 * 91-107 Village of Oak Brook (MN)(due 10/10)
 * 91-111 Village of Oswego (JCM)(due 10/24)
 * 91-121 Village of Channahon (JA)(due 11/7)

PENDING CASES ASSIGNED: (Cont'd)

- 91-129 City of Bloomington (JCM)
- * 91-135 Village of Bloomington (JTM)(due 11/21)