

**MINUTES OF REGULAR BOARD MEETING
JUNE 20, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #90-18, Robert A. Propheeter, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #AC 90-36 (Dockets A and B), ESG Watts, by a vote of 6-1. J. Dumelle dissented. (JCM)

An Opinion and Order was adopted in #AC 90-56 (Dockets A and B), Steve Gilbert, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #AC 90-59 (Docket B), Southern Pacific Railroad, by a vote of 7-0. (RCF)

An Opinion and Order was adopted in #AC 90-79 (Docket B), Al Springman, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #AC 90-81 (Docket B), George Ribble, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #90-202, Bridgestone/Firestone, Inc. by a vote of 7-0. J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #91-34, City of DeKalb, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented and R.C. Flemal abstained. (JTM)

An Opinion and Order was adopted in #91-41, City of West Chicago, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

In R89-5, Groundwater Protection, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 7-0. J. Anderson and B. Forcade concurred. (RCF)

In R90-7, Agriculture-Related Pollution, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. J. Anderson concurred. (RCF)

In R91-7, RACT Deficiencies, Chicago Area, a Proposed Rule, Second Notice, Supplemental Opinion was adopted by a vote of 6-0. J. Dumelle abstained. (JTM)

In R91-8, RACT Deficiencies, Metro-East Area, a Proposed Rule, Second Notice, Supplemental Opinion was adopted by a vote of 6-0. J. Dumelle abstained. (JTM)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-22, Lincoln/Logan Landfill; 91-23, Everett Allen; 91-24, Everett Allen.

By a vote of 7-0, Respondent's motion to withdraw its Petition for Review was granted and if not already paid, Respondent was ordered to pay, within 45 days, a \$1,000.00 penalty in #AC 89-72, City of West Frankfort. (JCM)

Petitioner's voluntary motion to dismiss was granted in #87-150, Natural Gas Pipeline, by a vote of 7-0. (JA)

Petitioner's motion to withdraw was granted in #88-115, Laclede Steel, by a vote of 7-0. (JA)

Petitioner's motion to dismiss was granted in #89-163, A.B. Dick Company, by a vote of 7-0. (BF)

An Order granting Petitioner's motion for sanctions, striking the Agency's January 10, 1991 letter and April 25, 1991 denial letter, and remanding the matter back to the Agency for the sole purpose of eliciting the information requested in subparagraphs (a) and (b) of denial reason 2 of the Agency's October 11, 1989 denial letter in order to determine whether Petitioner is in compliance with 35 Ill. Adm. Code 215.301, was adopted in #89-184, The Grigoleit Company, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Order directing the parties to file a settlement agreement by July 17, 1991 and directing the Hearing Officer to set the matter for hearing on the merits within 30 days of July 17, 1991 and to conclude all such hearings no later than October 17, 1991 if the the parties fail to file the settlement agreement, was adopted in #90-61, Duraco, Inc., by a vote of 7-0. (JCM)

Agency motion for leave to file an affidavit in response to Petitioner's affidavit was denied in #90-102, State Oil Company, by a vote of 7-0. (JTM)

Petitioner's motion to dismiss was granted in #90-174, Watts Disposal Systems, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in #91-13, Container Corporation, by a vote of 7-0. (JA)

Complainant's motion to dismiss was granted in #91-51, Norma Jane Collins, by a vote of 7-0. (JD)

By a vote of 7-0, Petitioner's motion for expedited decision was granted and the Board will make every effort to decide #91-59, Village of Westmont, at its July 11, 1991 Board meeting. (MN)

As there were no Petitioners remaining who had desire and standing to pursue the action, the proceedings in #91-64, Charles and Senoria Brown, were dismissed by a vote of 7-0. (JCM)

Joint stipulation to dismiss was granted in #91-65, American Fly Ash, by a vote of 7-0. (MN)

Agency motion to file Record Instanter was granted in #91-80, Paul Rosman, by a vote of 7-0. (MN)

Joint motion for extension of time to file public comments was granted until July 26, 1991 in R91-6, PM₁₀ Portland Cement and Quarries, by a vote of 7-0. (BF)

Motion for extension of time to submit comments filed by Big River Zinc, was granted until July 5, 1991, in R91-11, Zinc Refining and Smelting Wastes, by a vote of 7-0. (JA)

These cases were discussed and held to July 11, 1991 for further discussion or possible decision: #90-59, Michael Christianson; 90-122, City of Lockport; 91-59, Village of Westmont.

These regulatory matters were discussed and held to July 11, 1991 for further discussion or possible decision: R90-9, Used and Waste Tire Regulations; R91-9, DMI, Inc. Site-Specific Rulemaking, Proposed Rule, First Notice, Opinion and Order.

This amended petition was held for an amended Agency Recommendation: #88-78, Abbott Laboratories.

In new cases these actions were taken by a vote of 7-0: #91-94, Safety-Kleen Corporation (Elgin Recycle Center) v. EPA, accepted for hearing, Order by B. Forcade; 91-95, Staunton Landfill, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-96, The Ensign-Bickford Company v. EPA, accepted for hearing and Petitioner advised that a hearing shall be held as quickly as possible consistent with notice requirements and the Board's resources, Order by J. Theodore Meyer; 91-97, Chemical Waste Management v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-98, Chemical Waste Management v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-99, Ethyl Petroleum Additives, Inc. v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-100, Pierce and Stevens, Corporation v. EPA, accepted for hearing, Order by M. Nardulli; 91-101, Merle K. Buerkett d/b/a Buerkett Airport Landfill v. EPA, accepted for hearing, Order by M. Nardulli; 91-102, Del Monte Corporation (DeKalb Plant #111) v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-103, Village of Aviston v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin.

This Administrative Citation was received by the Board: #91-28, George Ribble.

Agency motion for extension of time to file its Recommendation was granted until July 26, 1991 in #AS 91-4, Petition of Amoco Oil Company, by a vote of 7-0. (MN)

Minutes of the June 6, 1991 Board Meeting were approved by a vote of 7-0.


Minutes of the June 11, 1991 Special Board Meeting were approved by a vote of 5-0. J. Dumelle and J.C. Marlin abstained.

A Proposed Rule, Dismissal Order, Order was adopted in #R90-15, Pretreatment Update (January 1, 1990 through June 30, 1990), by a vote of 7-0. (JA)

By a vote of 7-0, the Board adopted an Order to extend the time in which to adopt the identical in substance rules in R91-5, Pretreatment Update (June 29, 1990 through December 31, 1990). (JA)

All other matters not disposed of as listed were ordered held to July 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 July, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 20, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

R90-15 Pretreatment Update (January 1, 1990 through June
30, 1990), Proposed Rule, Dismissal Order (JA)

R91-5 Pretreatment Update (June 29, 1990 through December
31, 1990), Board Order (JA)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 20, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

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

90-18 People of the State of Illinois v. Robert A. Propheter
 (MN) (Stip) _____

AC 90-36 ESG Watts (JCM) _____
 (A & B)

AC 90-56 Steve Gilbert (JCM) _____
 (A & B)

AC 90-59 Southern Pacific Railroad (RCF) _____
 (B)

AC 90-79 Al Springman (JCM) _____
 (B)

AC 90-81 George Ribble (JCM) _____
 (B)

90-202 People of the State of Illinois v.
 Bridgestone/Firestone, Inc. (MN) (Stip)

* 91-34 City of DeKalb (JTM)(due) _____

* 91-41 City of West Chicago (MN)(due) _____

R89-5 Groundwater Protection, Proposed Rule, Second First
 Notice, Opinion and Order (RCF)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R90-7 Agriculture-Related Pollution, Adopted Rule, Final
Order, Opinion and Order (RCF)
-
- R91-7 RACT Deficiencies, Chicago Area, Proposed Rule, Second
Notice, Supplemental Opinion (JTM)
-
- R91-8 RACT Deficiencies, Metro-East Area, Proposed Rule,
Second Notice, Supplemental Opinion (JTM)
-

AC DECISIONS:

- 91-22 Lincoln/Logan Landfill
-
- 91-23 Everett Allen
-
- 91-24 Everett Allen
-

AC MOTIONS:

- 89-72 City of West Frankfort - Respondent's motion to withdraw
Petition for Review (6/17)
-
- 91-28 George Ribble - Dismissal Order (JCM)
-

MOTIONS:

- 72-326) Velsicol Chemical - Petitioner's motion for modification
72-351) or termination of April 5, 1973 Board Order (5/29)
-
- 86-2 City of LaSalle CSO - Petitioner's motion to supplement
amended petition for exception and for leave to file
limited copies (6/11)(JTM)
-
- 87-150 Natural Gas Pipeline - Petitioner's voluntary motion to
dismiss (6/13)
-
- 87-191 Lefton Iron & Metal - Complainant's motion to reconsider
May 23, 1991 Board Order (6/5), Counterclaimant's
response to motion to reconsider May 23, 1991 Board
Order (6/17)(JD)
-

MOTIONS: (Cont'd)

- 88-115 Laclede Steel - Petitioner's withdrawal of petition
(6/12)
-
- 89-163 A.B. Dick Company - Petitioner's motion to dismiss
(6/13)(BF)
-
- 89-177 CWM Chemical Services - Petitioner's supplement to the
administrative record (6/3), Agency's objection to
Petitioner's supplement to the administrative record
(6/11), Petitioner's response to Agency's objection to
Petitioner's supplement to the administrative record
(6/17), Petitioner's motion for stay of administrative
hearing (6/17), response of AMICI to motion for stay of
administrative hearing (6/19)(JTM)
-
- 89-184 The Grigoleit Company - Petitioner's motion for
sanctions and other relief (5/30), Agency response to
Petitioner's motion for sanctions (6/10)(JA)
-
- 90-61 Duraco, Inc. - Respondent's Status Report in response to
June 6, 1991 Board Order (6/17)(JCM)
-
- 90-102 State Oil Company - Agency motion to file Instanter and
Agency's response to Petitioner's Affidavit (6/6),
Petitioner's objection to Agency's response (6/10)(JTM)
-
- 90-173 Earl R. Bradd - Petitioner's motion to reconsider and
vacate May 9, 1991 Opinion and Order (6/13)(JA)
-
- 90-174 Watts Disposal Systems - Petitioner's motion to dismiss
(6/14)(BF)
-
- 91-4 Sexton Environmental Systems - Agency motion for
reconsideration of April 25, 1991 Board Order (5/30),
Petitioner's response to Agency's motion for
reconsideration (6/12)(JA)
-
- 91-13 Container Corporation - Petitioner's motion to withdraw
(6/11)
-
- 91-51 Norma Jane Collins - See Complainant's letter filed June
12, 1991
-
- 91-59 Village of Westmont - Petitioner's motion for expedited
decision (6/13)(MN)
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MOTIONS: (Cont'd)

- 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; motion retraxit by Charles & Senoria Brown, C & S Auto Plaza and North End Plaza Sales & Service filed 5/13; Petitioner's withdrawal of petition for hearing filed 6/7; Agency response to Petitioner's withdrawal of petition for hearing file 6/13)(JCM)
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- 91-65 American Fly Ash - Agency motion to file Instanter and Agency Record (6/14), joint stipulation for dismissal (6/19)(MN)
-
- 91-80 Paul Rosman - Agency motion to file Record Instanter (6/7)(MN)
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- 91-90 Laidlaw Waste Systems - Respondents' motion regarding costs (6/12), Petitioner's response to Respondents' motion regarding costs (6/17), Memorandum in Support of Respondents' motion to have Petitioner pay costs of preparing and certifying the record of proceedings (6/18)(JD)
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- 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)(JA)
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- R91-6 PM₁₀ Portland Cement & Quarries - joint motion for extension of time to file public comments (BF)
-
- R91-11 Zinc Refining & Smelting Wastes - motion for extension of time to submit comments filed by Big River Zinc (6/19)(JA)
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DISCUSSIONS:

- 90-59 Michael L. Christianson (MN)
-
- * 90-122 City of Lockport (JCM)(due 8/22)
-
- * 91-59 Village of Westmont (MN)(due 7/25)
-

REGULATORY DISCUSSIONS:

- R90-9 Used and Waste Tire Regulations, Board Order (JCM)
 (B) _____
- R91-9 DMI, Inc. Site-Specific Rulemaking, Proposed Rule, First
 Notice, Opinion and Order (MN) _____
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AMENDED PETITIONS:

- 88-78 Abbott Laboratories (filed 6/5) _____
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NEW CASES:

- 91-94 Safety-Kleen Corporation (Elgin Recycle Center) v. EPA

- 91-95 Staunton Landfill, Inc. v. EPA (BF)

- 91-96 The Ensign Bickford Company v. EPA

- 91-97 Chemical Waste Management v. EPA (Provisional Variance)
 (JCM) _____
- 91-98 Chemical Waste Management v. EPA (Provisional Variance)
 (JCM) _____
- 91-99 Ethyl Petroleum Additives, Inc. v. EPA (Provisional
 Variance)(JCM) _____
- 91-100 Pierce and Stevens, Corporation v. EPA

- 91-101 Merle K. Buerkett d/b/a Buerkett Airport Landfill v. EPA

- 91-102 Del Monte Corporation (DeKalb Plant #111) v. EPA
 (Provisional Variance)(JCM)

- 91-103 Village of Aviston v. EPA (Provisional Variance)(JCM)

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NEW AC CASES:

- 91-28 George Ribble (SEE AC MOTIONS)

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) _____
- 91-5 Petition of Elizabeth Street Foundry, Inc. (See also Petitioner's motion to remove record excerpts filed 6/14) _____
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ADJUSTED STANDARDS MOTIONS:

- 91-4 Petition of Amoco Oil Company - Agency motion for extension of time to file its Recommendation (6/7) _____
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MINUTES:

- June 6, 1991 _____
- June 11, 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)(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)
 AC 90-36(B) ESG Watts, Inc. (JCM)
 AC 90-38(B) Harold Fults (JD)
 AC 90-56(B) Steve Gilbert (JCM)
 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)
 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)
 * 91-12 Zeigler Coal (JD)(due 8/22)
 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)
 * 91-66 Village of Bensenville (JTM)(due 8/8)
 * 91-72 Clean Quality Resources (MN)(due 8/22)
 * 91-88 County of Lake (RCF)(due 9/26)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-89) Citizens for Controlled Landfills (JD)
- 91-90) The YMCA of Southwest Illinois (JD)