

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JUNE 8, 1989 CHICAGO, ILLINOIS

All Board Members were present save J. Dumelle who was on vacation.

An Opinion and Order was adopted in #88-200, AWMCO, Inc., by a vote of 5-1. J. Theodore Meyer dissented. (RF)

An Opinion and Order was adopted in #89-34, Akzo Chemicals, by a vote of 6-0. (RF)

An Opinion and Order was adopted in #89-49, Bi-State Disposal, by a vote of 6-0. (JM)

An Opinion and Order was adopted in #89-55, Village of Coal City, by a vote of 5-1. B. Forcade dissented. (MN)

A Proposed Rule, Second First Notice, Order was adopted in R87-34, Rock Island Site-Specific, by a vote of 6-0. (JA)

A Proposed Rule, Second First Notice, Order was adopted in R87-35, East Moline Site-Specific, by a vote of 6-0. (JA)

An Adopted Rule, Final Order, Opinion and Order was adopted in R88-5(A), Procedural Rules, Parts 101, 106 and 107, by a vote of 6-0. (JTM)

A Resolution was adopted in RES 89-2, Duplicitous and Frivolous Determination, by a vote of 6-0. (RF)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##89-60, Village of Millstadt; 89-73, Fitz-Mar, Inc.; 89-74, Donald Litweiller; 89-75, John Henry; 89-76, Roy Frietsch; 89-77, Winnebago Reclamation; 89-79, Gene Whitlock.

Respondent's motion to file its Brief Instanter in #AC 88-90, James Esarey, was granted by a vote of 6-0. (JM)

Agency motion to withdraw in #AC 89-100, Heritage Builders, was granted by a vote of 6-0. (JM)

Petitioner's motion to withdraw and dismiss in #84-107, Krohn Development, was granted by a vote of 6-0. (BF)

Respondent's motion to dismiss in #89-67, B & W Corporation, was denied by a vote of 6-0. (JM)

By a vote of 6-0, an Order was adopted pursuant to Petitioner's two operating permit denials filed in #89-78, Moline Corporation. (BF)

Agency motion to dismiss in #89-94, Reichhold Chemicals, was granted by a vote of 6-0. (BF)

A Supplemental Order was adopted in R89-1, RCRA Update, USEPA Regulations (August 1, 1988 through December 31, 1988) by a vote of 6-0. (JA)

Petitioner's oral motion to withdraw its permit appeal petitions at a hearing held May 10, 1989 in ##86-43, 87-68, LTV Steel Company, was granted by a vote of 6-0. (JM)

These cases were discussed and held to June 22, 1989 for further discussion or possible decision: ##87-185, Jefferson Smurfit; 88-97, Illinois Power; 88-116, Sexton Filling and Grading; 89-24, Old Ben Coal Company; 89-28, Waste Management; 89-33, Village of Fairview.

This regulatory matter was discussed and held to June 22, 1989 for further discussion or possible decision: R88-25, City of Havana CSO.

In amended petitions these actions were taken by a vote of 6-0: ##88-25, Modine Manufacturing, held to June 22, 1989 for further consideration; 88-193, General Motors, Hearing Officer directed to set a hearing date and provide a hearing officer's scheduling order in conformance with the schedule outlined in the Board's Order of December 15, 1988, **Order by B. Forcade**; 89-71, Rockford Products, 120-day statutory decision timeclock restarted with its filing and accepted for hearing, **Order by B. Forcade**.

In new cases these actions were taken by a vote of 6-0: ##89-50, Illinois Department of Transportation, Northwestern University, **Chairman authorized to sign the permit document and to prepare an Order**; 89-93, Treasure Chest Advertising Company, Inc. v. EPA, accepted for hearing and Petitioner's previous filing of April 18, 1989 and docketed as PCB 89-91 will be recaptioned as Treasure Chest Advertising Company, Inc., **Order by B. Forcade**; 89-95, Environmental Reclamation Company v. EPA, accepted for hearing, **Order by B. Forcade**; 89-96, Cerro Copper Products Company v. EPA, accepted for hearing, **Order by B. Forcade**; 89-97, Solar Flame, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**; 89-98, GTE Automatic Electric v. EPA, provisional variance granted, **Order by J. Marlin**; 89-99, City of Granite City v. EPA, provisional variance granted; **Opinion and Order by J. Marlin**.

Since a Petition for Review was filed, these Administrative Citations will be set for hearing: ##89-83, J & L Pallet Service; 89-84, Melvin Banks.

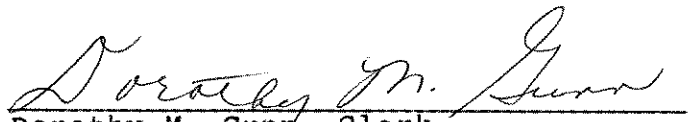
These Administrative Citations were received by the Board: ##89-107, Jacob's Open Dump; 89-108, Ed Clark; 89-109. Guy Marlin.

Minutes of the May 25, 1989 Board Meeting were approved by a vote of 6-0.

Agency motion to file Instanter its Permit Record in #89-41, Old Ben Coal Company, was granted by a vote of 6-0. (BF)

All other matters not disposed of as listed were ordered held to June 22, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 22nd day of June, 1989 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 8, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 88-200 AWMCO, Inc. (RF) _____
- * 89-34 Akzo Chemicals (RF)(due) _____
- * 89-49 Bi-State Disposal (JM)(due 6/22) _____
- * 89-55 Village of Coal City (MN)(due 7/13) _____
- R87-34 Rock Island Site-Specific, Proposed Rule, Second First
Notice, Order (JA) _____
- R87-35 East Moline Site-Specific, Proposed Rule, Second First
Notice, Order (JA) _____
- R88-5 Procedural Rules, Parts 101, 106 and 107, Adopted Rules,
(A) Opinion and Order (JTM) _____
- RES 89-2 Duplicitous and Frivolous Determination Resolution (RF)

AC DECISIONS:

- 89-60 Village of Millstadt _____
- 89-73 Fitz-Mar, Inc. _____
- 89-74 Donald Litweiller _____
- 89-75 John Henry _____
- 89-76 Roy Frietsch _____

AC DECISIONS: (Cont'd)

- 89-77 Winnebago Reclamation Service
89-79 Gene Whitlock
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AC MOTIONS:

- 88-90 James Esareu - Respondent's motion to file Brief
Instanter (6/1)(JM)
89-18 J & R Landfill - Respondent's motion for reconsideration
of May 11, 1989 Board Order (5/16), Complainant's
opposition to Respondent's motion for reconsideration
(5/24)
89-49 Peoria Disposal Company - Agency motion to correct name
of Respondent, to amend the Administrative Citation and
Vacate April 27, 1989 Board Order (5/26)
89-68 Rochelle Disposal Service - Agency motion to substitute
and dismiss (5/30)
89-78 J & R Landfill - Respondent's motion to dismiss (5/18),
Complainant's motion to dismiss Respondent's Petition
for Review and motion to dismiss (6/5)
89-100 Heritage Builders - Agency motion to withdraw (6/5)
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MOTIONS:

- 84-107 Krohn Development Corporation - Petitioner's motion to
withdraw and dismiss (5/30)(BF)
88-151 Citizens Utilities - Agency motion for sanctions (5/18),
Petitioner's objections to and motion to strike Agency's
motion for sanctions (5/23), Hearing Officer's Statement
in response to May 25, 1989 Board Order (5/31),
Petitioner's Application for Nondisclosure and for
Protective Order (6/1)(RF), Agency's Affidavit in
response to May 25, 1989 Board Order (6/5), Agency's
Supplement to motion for Sanctions (6/6)(RF)
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MOTIONS: (Cont'd)

- 88-172 Allied-Signal - Petitioner's motion for modification of May 11, 1989 Board Order (5/16), Agency response to Petitioner's motion for modification of May 11, 1989 Board Order (5/30), Association of Concerned Environmentalists (ACE) list of questions to Petitioner in response to May 25, 1989 Board Order (6/6)(MN)
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- 88-206 Monsanto Company - Petitioner's motion to modify April (B) 27, 1989 Board Order (5/31)(JM)
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- 89-41 Old Ben Coal Company - Agency motion for leave to file Permit Record Instanter (6/6)
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- 89-67 B & W Corporation - Respondent's motion to dismiss (5/25), Complainant's response to Respondent's motion to dismiss (6/1)(JM)
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- 89-78 Moline Corporation - Joint Memorandum (6/1)(BF)
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- 89-94 Reichhold Chemicals - Agency motion to dismiss (6/5)
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- R89-1 RCRA Update - possible clarification of May 25, 1989 Opinion (JA)
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DISCUSSIONS:

- * 86-43) LTV Steel Company (JM)(due 6/22)
- 87-68)
- * 87-185 Jefferson Smurfit (JA)(due 6/22)
- * 88-97 Illinois Power (JD)(due 6/22)
- * 88-116 Sexton Filling & Grading (BF)(due 6/22)
- 89-24 Old Ben Coal Company (MN)
- * 89-28 Waste Management (JA)(due 6/22)
- * 89-33 Village of Fairview () (due 6/22)
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REGULATORY DISCUSSIONS:

- R88-25 City of Havana CSO (MN)
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AMENDED PETITIONS:

88-25 Modine Manufacturing (filed 5/24) _____
88-193 General Motors (filed 6/1) _____
89-71 Rockford Products (filed 6/1)(BF) _____

NEW CASES:

89-50 IDOT, Northwestern University (JM) _____
89-93 Treasure Chest Advertising Company, Inc. v. EPA (BF) _____
89-94 Reichhold Chemicals, Inc. v. EPA (BF) _____
89-95 Environmental Reclamation Company v. EPA (BF) _____
89-96 Cerro Copper Products Company v. EPA (BF) _____
89-97 Solar Flame, Inc. v. EPA (Provisional Variance)(JM) _____
89-98 GTE Automatic Electric v. EPA (Provisional Variance)(JM) _____
89-99 City of Granite City v. EPA (Provisional Variance)(JM) _____

AC APPEALS:

89-83 J & L Pallet Service _____
89-84 _____

NEW AC CASES:

89-107 Jacob's Open Dump _____
89-108 Ed Clark _____
89-109 Guy Marlin _____

MINUTES:

May 25, 1989 _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (MN)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-56 Trilla Steel Drum (Remand)(JD)
 86-161 Elizabeth Street Foundry (JD)
 * 86-180 The Ceco Corporation (BF)(open waiver)
 87-89 Cargill (Remand)(JM)
 87-93 Commonwealth Edison (RF)
 * 87-127 City of East Moline (BF)(due 9/28)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-139 Browning-Ferris (JD)
 * 87-183 Container Corporation (JA)(due 7/27)
 87-209 Commonwealth Edison Company (JA)
 AS 88-2 Stepan Company(JM)
 88-16 Anthony W. Kochanski ()
 88-36 Mervis Industries (JD)
 AC 88-51 Piolet Brothers (RF)
 * 88-58 Quantum Chemical (BF)(due 7/13)
 88-71 Allen Barry (BF)
 AC 88-76 E & E Hauling (JA)
 AC 88-77 E & E Hauling (JA)
 AC 88-90 James Esarey (JM)
 AC 88-93 City of Herrin (JM)
 88-127 Koppers Company (JD)
 * 88-131 Ligma Corporation (RF)(open waiver)
 * 88-151 Citizens Utilities (RF)(due 11/15)
 * 88-156 Trojan Corporation (MN)(due 9/14)
 * 88-168 Ensign-Bickford Company (due 9/14)
 * 88-172 Allied-Signal (MN)(due 8/31)
 88-173 Village of Lake Zurich (JTM)
 * 88-179 Marathon Petroleum (BF)(due 7/27)
 * 88-191 Testor Corporation (JTM)(9/28)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 88-200 AWMCO, Inc. (RF)
 * 88-203 American National Can (JD)(due 7/27)
 * 88-205 A.E. Staley Manufacturing (JM)(due 7/13)
 AC 89-10 Jim Landers (MN)
 89-23 IDOT, Loyola University (RF)
 * 89-25 Can-Am Industries (BF)(due 9/28)
 89-29 Village of Fox River Grove (BF)
 * 89-51 Minnesota Mining (MN)(due 7/13)
 * 89-57 Village of Hampshire (MN)(due 9/14)
 * 89-79 Joliet Army Ammunition Plant (MN)(due 9/14)
 * 89-84 Village of Yorkville (JM)(due 9/14)
 * 89-86 Village of Sauget (RF)(due 9/14)
 * 89-92 Christian County Landfill (JD)(due 9/14)