

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JUNE 22, 1989 CHICAGO, ILLINOIS

All Board Members were present.

A.M. SESSION

An Opinion and Order was adopted in #87-185, Jefferson Smurfit, by a vote of 7-0. (JA)

An Order was adopted in #88-183, Northern Illinois Anglers, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #89-24, Old Ben Coal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #89-33, Village of Fairview, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #89-51, Minnesota Mining, by a vote of 7-0. (MN)

An Order determining that an Economic Impact Study need not be prepared at this time in R88-30, Gasoline Volatility, was adopted by a vote of 7-0. (JD)

An Order determining that an Economic Impact Study need not be prepared at this time in R89-7, Continuous Monitoring Rules, was adopted by a vote of 7-0. (JD)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-80, Leo Moore; 89-81, John Storey; 89-82, Bruce Rich; 89-86, Thomas Johnson; 89-87, Merle Buerkett; 89-88, John Timpe; 89-89, Morgan Manufacturing.

Respondent's motion for reconsideration was granted and upon reconsideration the Board reaffirmed its May 11, 1989 Board Order in #AC 89-18, J & R Landfill, by a vote of 7-0. (JM)

Agency motion to correct the name of Respondent, to amend the Administrative Citation and to vacate an April 27, 1989 Board Order was denied in #AC 89-49, Peoria Disposal Company, by a vote of 7-0. (JM)

By a vote of 7-0, an Order was adopted pursuant to an Agency motion to substitute and dismiss in #AC 89-68, Rochelle Disposal Service. (JM)

Agency motion to dismiss was granted in #AC 89-84, Melvin Banks, by a vote of 7-0. (JM)

By a vote of 7-0, an Order was adopted pursuant to Complainant's motion for withdrawal of its motion to amend in #AC 89-85, Robert Kettell. (JM)

Petitioner's motion for an extension of completion schedule and variance was granted until August 15, 1989 in #86-174, IBP, by a vote of 7-0. (JD)

By a vote of 7-0, an Order was adopted pursuant to an Agency motion for sanctions in #88-151, Citizens Utilities. (BF)

Agency motion to file post-hearing brief Instanter was granted in #88-203, American National Can, by a vote of 7-0. (JD)

Petitioner's motion to modify an April 27, 1989 Board Order was granted in #88-206(B), Monsanto Company, by a vote of 7-0. (JM)

By a vote of 7-0, Petitioner's motion to waive the September 1, 1989 decision limitation was accepted by the Board as an informal statement of the decision date and directed the Clerk to adjust the decision date consistent with Petitioner's request in #89-41, Old Ben Coal. (JA)

By a vote of 7-0, Petitioner's motion to waive the September 1, 1989 decision limitation was accepted by the Board as an informal statement of the decision date and directed the Clerk to adjust the decision date consistent with Petitioner's request in #89-42, Old Ben Coal. (JA)

By a vote of 7-0, an Agency motion to file its brief Instanter was denied as moot in #89-49, Bi-State Disposal. (JM)

By a vote of 7-0, Petitioner's motion for an extension of time to file its response to an April 27, 1989 Board Order was granted to July 7, 1989. And since the Petitioner has not filed a waiver of the decision date, the Board construed the motion as a pro tanto waiver of the decision date by twenty-five days in #89-66, Village of North Aurora. (JA)

Petitioner's motion for an extension of time to respond to an April 27, 1989 Board Order was granted until June 22, 1989 and since an objection was filed a hearing was authorized in #89-72, Olin Chemicals, by a vote of 7-0. (JA)

By a vote of 7-0, an Order was adopted pursuant to an Agency motion for an additional information Order or in the alternative motion for dismissal for inadequacy in #89-86, Village of Sauget. (RF)

Respondent's motion for an extension of time to answer the complaint in #89-87, Moline Corporation, was granted until July 7, 1989 by a vote of 7-0. (JD)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's

motion to stay in #89-89, Motor Wheel. (BF)

These cases were discussed and held to July 13, 1989 for further discussion or possible decision: ##88-205, A.E. Staley; AC 88-51, Piolet Brothers.

This regulatory matter was discussed: R88-21, Water Toxics.

In amended petitions these actions were taken by a vote of 7-0: ##88-25, Modine Manufacturing, 120-day decision time clock restarted with its filing; 89-63, John Metropulos, Jr., Village of Lake Zurich added as a respondent and hearing authorized, Order by J. Anderson.

In new cases these actions were taken by a vote of 7-0: ##89-100, Borg-Warner Automotive Transmission and Engine Components Corporation v. EPA, accepted for hearing, Order by B. Forcade; 89-101, A.R.F. Landfill Corporation v. EPA, accepted for hearing, Order by B. Forcade; 89-103, EPA v. Simkins Industries, Inc., hearing mandatory; R89-8, Exemptions from the Definition of VOM (Docket Reserved by J. Anderson).

Since Petitions for Review were filed these Administrative Citations will be set for hearing: ##89-102, Lowell Fauber; 89-104, Village of Brocton.

These Administrative Citations were received by the Board: ##89-110, Leon Stilley; 89-111, Harold Tomlinson; 89-112, Roy W. Morgan; 89-113, Franklin and Roger Flower; 89-114, City of Jacksonville; 89-115, City of St. Francisville; 89-116, Centralia Environmental Services, Inc.; 89-117, Lawrence County Disposal Centre, Inc.; 89-118, Rockford Blacktop Construction; 89-119, Joseph Thomas; 89-120, William A. White; 89-121, John Whirrell; 89-122, Stryker International; 89-123, Land and Lakes Company; 89-124, Edward Kocher; 89-125, City of Chillicothe; 89-126, Vernon Keister; 89-127, Gerald Sorenson; 89-128, Sal and Dawn Kruzinski; 89-129, City of Henry; 89-130, H & L Disposal Company; 89-131, ESG Watts, Inc.; 89-132, Ray Schroeder; 89-133, Hal Sims; 89-134, Illinois Central Gulf Railroad; 89-135, Charles L. Williamson.

Minutes of the June 8, 1989 Board Meeting were approved by a vote of 6-0. J. Dumelle abstained.

Motion for substitution of counsel was granted in #88-205, A.E. Staley, by a vote of 7-0. (JD)

The 120-day decision time clock was restarted in these consolidated amended petitions: ##88-156, - 168, Trojan Corporation and Ensign-Bickford Company. (Thereafter the meeting was adjourned until 2:00 p.m.)

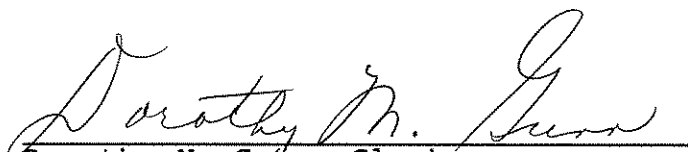
P.M. SESSION

An Opinion and Order was adopted in #88-116, Sexton Filling and Grading, by a vote of 6-1. J. Anderson dissented. (BF)

Additional information was requested in new case #89-102, Reilly Industries, by a vote of 7-0. (MN)

All other matters not disposed of as listed were ordered held to July 13, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 13th day of July, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board