

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JULY 13, 1989 CHICAGO, ILLINOIS

All Board Members were present.

Dr. Marlin announced that he and Board Members B. Forcade and M. Nardulli had received Senate confirmation of their reappointment to the Board.

Chairman Marlin presented a draft Opinion and Order in #88-16, Anthony Kochanski. Thereafter, separate votes on the Opinion and Order were recorded as follows: J. Anderson, R. Flemal, B. Forcade, J. Marlin and J. Theodore Meyer voted for the Order as presented and J. Dumelle and M. Nardulli voted against it; J. Anderson, B. Forcade, J. Marlin and J. Theodore Meyer voted for the Opinion as presented and J. Dumelle, R. Flemal and M. Nardulli voted against it. The Opinion and Order was then adopted by a vote of 5-2. Messrs. J. Dumelle and M. Nardulli dissented and R. Flemal concurred. (JM)

An Opinion and Order was adopted in #AC 88-51, Piolet Brothers, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (RF)

An Opinion and Order was adopted in #88-131, Ligma Corporation, by a vote of 7-0. J. Dumelle concurred. (RF)

An Opinion and Order was adopted in #88-201, City of Marion, by a vote of 6-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #88-205, A.E. Staley, by a vote of 7-0. J. Dumelle concurred. (JM)

An Opinion and Order was adopted in #AC 89-10, Jim Landers, by a vote of 7-0. (MN)

A Proposed Rule, Second Notice, Order was adopted in R88-9, Reilly Tar & Chemical, by a vote of 7-0. (MN)

A Proposed Rule, First Notice, Opinion and Order was adopted in R88-19, Roadmaster Site-Specific, by a vote of 7-0. (BF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0. ##89-90, Becker Brothers; 89-91, Eurocor Corporation; 89-93, Village of Allorton; 89-94, Gus Richardson; 89-95, City of Freeport; 89-96, City of Princeton; 89-98, Whiteway Sanitation; 89-103, Herbert Simmons; 89-105, Stryker International; 89-106, City of Jacksonville; 89-107, Clarence Jacobs; 89-110, Leon Stilley; 89-111, Harold Towlinson; 89-112, Roy W. Morgan; 89-113, Franklin and Roger Flower; 89-114, City of Jacksonville; 89-115, City of St. Francisville; 89-118, Rockford

Blacktop Construction Company; 89-119, Joseph Thomas.

Agency motion to dismiss was granted in #AC 89-14, Donald Ropp, by a vote of 7-0. (JM)

Complainant's motion to dismiss was granted in #89-20, Donald Hess, by a vote of 7-0. (JM)

By a vote of 7-0, an Agency motion to substitute and dismiss was granted and unless already paid the Respondent was ordered to pay a \$500.00 penalty within 30 days in #AC 89-68, Rochelle Disposal Service. J. Anderson concurred. (JM)

Respondent's motion to dismiss was granted in #AC 89-78, J & R Landfill, by a vote of 6-1. B. Forcade dissented. (JM)

Agency motion to withdraw was granted in #AC 89-92, Centralia Environmental Services, by a vote of 7-0. (JM)

Agency motion to withdraw was granted in #AC 89-116, Centralia Environmental Services, by a vote of 7-0. (JM)

Agency motion to withdraw was granted in #AC 89-121, John Whirrell, by a vote of 7-0. (JM)

An agreed motion to stay was denied in #87-151, Acme Steel, by a vote of 7-0. (BF)

An agreed motion to stay was denied in #87-152, Acme Steel, by a vote of 7-0. (BF)

An agreed motion to stay was denied in #87-153, Acme Steel, by a vote of 7-0. (BF)

Complainant's motion for summary judgment was denied in #87-191, Lefton Iron and Metal, by a vote of 7-0. (JM)

An Order was adopted pursuant to a motion for reconsideration and application for non-disclosure in #88-151, Citizens Utilities, by a vote of 7-0. (BF)

An Order was adopted pursuant to a motion for expedited decision in ##88-156, -168, Trojan Corporation and Ensign-Bickford, by a vote of 7-0. (MN)

Respondent's motion for an extension of time to comply with an April 27, 1989 Board Order was granted until September 27, 1989 in #88-171, Donna Hagen, by a vote of 7-0. J. Dumelle concurred. (RF)

An additional hearing was ordered in #88-172, Allied Signal, by a vote of 7-0. (MN)

Petitioner's motion to dismiss was granted in #89-16, Quantum

Chemical, by a vote of 7-0. (JD)

Petitioner's motion to amend a June 8, 1989 Opinion and Order was granted in #89-55, Village of Coal City, by a vote of 5-1. B. Forcade dissented and J. Dumelle abstained. (MN)

Agency motion to file Recommendation Instanter was granted in #89-57, Village of Hampshire, by a vote of 7-0. (MN)

Agency motion for extension of time to file its Recommendation was granted in #89-71, Rockford Products, by a vote of 7-0. (JD)

Agency motion to file Recommendation Instanter was granted in #89-83, American National Can, by a vote of 7-0. (JM)

Since the 21 days to submit the statutory filing fee had expired, the proceedings in #89-85, Midwest Rubber, were dismissed by a vote of 7-0. (JM)

Agency motion for an additional information Order was denied in #89-86, Village of Sauget, by a vote of 7-0. (RF)

An Order was adopted pursuant to an Agency motion to continue hearing in #89-44, Moline Corporation, by a vote of 7-0. (JM)

An Order was adopted pursuant to an Agency motion to continue hearing in #89-87, Moline Corporation, by a vote of 7-0. (JM)

Petitioner's motion for voluntary dismissal was granted in #89-91, Treasure Chest, by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal was granted in #89-93, Treasure Chest, by a vote of 7-0. (BF)

Petitioner's motion to dismiss was granted in R89-6, Elizabeth Street Foundry, by a vote of 7-0. (JD)

These cases were discussed and held to July 27, 1989 for further discussion or possible decision: ##87-183, Container Corporation; 88-156, -168, Trojan Corporation & Ensign-Bickford; 88-179, Marathon Petroleum; 88-203, American National Can; 89-27, LCN Closers; 89-57, Village of Hampshire.

These regulatory matters were discussed and held to July 27, 1989 for further discussion or possible decision: R85-27, Special Waste Categorization; R88-25, City of Havana.

In amended petitions these actions were taken by a vote of 7-0: ##89-66, Village of North Aurora, additional information requested, Order by J. Marlin; 89-102, Reilly Industries, held for an Agency Recommendation.

In new cases these actions were taken by a vote of 7-0:
##89-104, Metropolitan Waste Systems, Inc. and Chicago Rail Link v. City of Blue Island, accepted for hearing, **Order by B. Forcade**; 89-105, Illinois Department of Transportation, Commonwealth Edison Company, **Chairman authorized to sign the permit document and to prepare an Order**; 89-106, D & B Refuse Service, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 89-107, City of Geneva v. EPA, held for an Agency Recommendation and statutory time periods for action required by the Agency and the Board begin running on July 7, 1989 the date the statutory filing fee was received by the Board, **Order by J. Marlin**; 89-108, McLean County Disposal, Inc. v. The County of McLean, redocketed from PCB 87-133, accepted for hearing and unless the statutory filing fee is received within 21 days the petition will be subject to dismissal, **Order by B. Forcade**; 89-109, Sparton Manufacturing Company (Graysville) v. EPA, provisional variance granted, **Order by J. Marlin**; 89-110, Sparton Manufacturing Company (Flora) v. EPA, provisional variance granted, **Order by J. Marlin**; 89-111, Valspar Corporation v. EPA, provisional variance granted, **Order by J. Marlin**; 89-112, Chicago-Dubuque Foundry v. EPA, provisional variance granted, **Order by J. Marlin**; 89-113, Stepan Chemical Company v. EPA, provisional variance granted, **Order by J. Marlin**; 89-113, Safety-Kleen Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 89-115, Commonwealth Edison Quad Cities Power Station v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**.

In Adjusted Standards these actions were taken by a vote of 7-0: ##89-2, Elizabeth Street Foundry, Inc., additional information requested, **Order by J. Dumelle**; 89-3, The Nutrasweet Company and Consumers Illinois Water Company, Agency motion for extension of time to respond to Petitioner's motion to accept filing as either a petition for Adjusted Standard or for a Site-Specific rule was granted until July 27, 1989, **Order by J. Marlin**.

Since Petitions for Review were filed these Administrative Citations will be set for hearing: 89-97, Russell E. Sinclair; 89-99, City of Lewistown; 89-101, Fuller Brothers; 89-108, Ed Clark; 89-109, Guy Marlin.

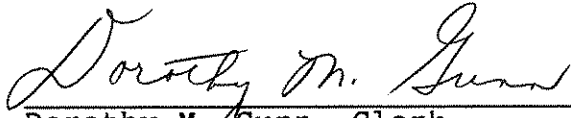
These Administrative Citations were received by the Board: ##89-136, Everett Allen; 89-137, Everett Allen; 89-138, Dr. John Donovan; 89-139, Mark Meyers; 89-140, Robert Norris; 89-141, John Moody; 89-142, Mike Norris; 89-143, Andrew Cimino; 89-144, Martin Nettekeyer; 89-145, Roger Miller; 89-146, Dr. David Pfeifer; 89-147, John Buris, Jr.; 89-148, Daniel & Darrel Wiegel; 89-149, Tabor Grain Company; 89-150, Village of Winnetka; 89-151, Bryant's Sanitation, Inc.; 89-152, Streator Area Landfill, Inc.; 89-153, Joseph M. Luparell; 89-154, City of Monticello; 89-155, John Long.

Minutes of the June 22, 1989 Board Meeting were approved by a vote of 7-0.

Board Member J. Anderson presented a draft Opinion and Order in #89-28, Waste Management. Motion to amend by J. Dumelle and seconded by B. Forcade carried by a vote of 4-3 with J. Dumelle, B. Forcade, R. Flemal and M. Nardulli for it and J. Anderson, J. Marlin and J. Theodore Meyer against. An Order was then adopted by a vote of 4-3. J. Anderson, J. Marlin and J. Theodore Meyer dissented. (JD)

All other matters not disposed of as listed were ordered held to July 27, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 27th day of July, 1989 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 13, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

88-16 Anthony Kochanski (JM) _____
AC 88-51 Pielet Brothers (RF) _____
* 88-131 Ligma Corporation (RF)(open) _____
88-201 City of Marion (JA) _____
* 88-205 A.E. Staley (JM)(due) _____
AC 89-10 Jim Landers (MN) _____
* 89-28 Waste Management (JA)(due) _____
R88-9 Reilly Tar & Chemical, Proposed Rule, Second Notice,
Order (MN) _____
R88-19 Roadmaster Site-Specific, Proposed Rule, First Notice,
Opinion and Order (BF) _____

AC DECISIONS:

89-90 Becker Brothers, Inc. _____
89-91 Eurocor Corporation _____
89-93 Village of Allerton _____
89-94 Gus Richardson _____
89-95 City of Freeport _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

89-96 City of Princeton _____
89-98 Whiteway Sanitation _____
89-103 Herbert Simmons _____
89-105 Stryker International _____
89-106 City of Jacksonville _____
89-107 Clarence Jacobs _____
89-110 Leon Stilley _____
89-111 Harold Towlinson _____
89-112 Roy W. Morgan _____
89-113 Franklin & Roger Flower _____
89-114 City of Jacksonville _____
89-115 City of St. Francisville _____
89-118 Rockford Blacktop Construction Company _____
89-119 Joseph Thomas _____

AC MOTIONS:

89-14 Donald Ropp - Agency motion to dismiss (7/3)

89-20 Donald Hess - Complainant's motion to dismiss (6/12)

89-68 Rochelle Disposal Service - Agency motion to substitute
and dismiss (5/30), Respondent's response to June 22,
1989 Board Order (7/6)(JM) _____
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), Respondent's
objection to Complainant's motion to dismiss
Respondent's Petition for Review and motion to dismiss
(6/8), Complainant's opposition to Respondent's motion
to dismiss (6/14) _____
89-92 Centralia Environmental Services - Agency motion to
withdraw (6/26) _____

AC MOTIONS: (Cont'd)

- 89-116 Centralia Environmental Services - Agency motion to withdraw (6/26) _____
- 89-121 John Whirrell - Agency motion to withdraw complaint (7/3) _____
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MOTIONS:

- 87-151 Acme Steel Company - agreed motion for stay of proceedings (6/23) _____
- 87-152 Acme Steel Company - agreed motion for stay of proceedings (6/23) _____
- 87-153 Acme Steel Company - agreed motion for stay of proceedings (6/23) _____
- 87-191 Lefton Iron and Metal - Complainants' motion for Summary Judgment (6/14), response to Complainant's motion for Summary Judgment by Moss-American Corporation (6/21), Lefton Iron & Metal's request for leave to file a reply Memorandum responsive to Kerr-McGee's response to Complainant's motion for Summary Judgment (6/28), Objection to motion for leave to file and motion to strike Complainant's reply Memorandum by Moss-American and Kerr-McGee Chemical Corporation (6/30) _____
- 88-84 The Nutrasweet Company - Petitioners' motion for clarification or modification of December 15, 1988 Board Opinion and Order (6/20)(JM) _____
- 88-151 Citizens Utilities - Petitioner's Second Supplement to Application for Nondisclosure and for Protective Order (6/29), Petitioner's Supplemental responses to Agency's Interrogatories, Requests to Admit and Request for Production of Documents (6/29), Petitioner's Application for Nondisclosure and for Protective Order (6/29), Petitioner's motion for reconsideration of June 22, 1989 Board Order (7/6), Petitioner's motion for leave to file Instanter response to Agency's Supplement to objection to motion for Nondisclosure (7/11)(BF) _____
- 88-156) Ensign-Bickford & Trojan Corporation - motion for
88-168) expedited decision (7/7)(MN) _____

MOTIONS: (Cont'd)

- 88-171 Donna Hagen et al. - Respondent's motion for extension of time to comply with April 27, 1989 Board Order (6/12), Complainant's response (7/7)(RF)
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- 88-172 Allied Signal - Board Order (MN)
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- 89-16 Quantum Chemical - Petitioner's motion to dismiss (7/10)
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- 89-55 Village of Coal City - Petitioner's motion to amend June 8, 1989 Opinion and Order (7/10)(MN)
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- 89-57 Village of Hampshire - Agency motion to file Recommendation Instanter (6/29)(MN)
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- 89-71 Rockford Products - Agency motion for extension of time (6/30)
-
- 89-83 American National Can - Agency motion to file Recommendation Instanter (7/10)
-
- 89-85 Midwest Rubber - Dismissal Order regarding non-payment of filing fee (JM)
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- 89-86 Village of Sauget - Agency motion for an Additional Information Order (6/16), Petitioner's response to Agency motion for an Additional Information Order (6/28)(RF)
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- 89-87 Moline Corporation - joint motion to consolidate (6/26),
89-44 Respondent's response to motion to consolidate (7/7),
Respondent's motion for judgment on pleadings with respect to Count IV (7/7), Agency's motion to continue hearing (7/10)
-
- 89-89 Motor Wheel - motion to Stay permit conditions (6/20), Agency response to Petitioner's motion to stay permit conditions (6/26)
-
- 89-91 Treasure Chest - Petitioner's motion for voluntary dismissal (7/11)(BF)
-
- 89-93 Treasure Chest - Petitioner's motion for voluntary dismissal (7/11)(BF)
-
- R89-6 Elizabeth Street Foundry - Petitioner's motion to dismiss (6/30)(JD)
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DISCUSSIONS:

- * 87-183 Container Corporation (JA)(due 7/27)_____
- * 88-156) Trojan Corporation (MN)(due 9/14)_____
88-168)
- * 88-179 Marathon Petroleum (BF)(due 7/27)_____
- * 88-203 American National Can (JD)(due 7/27)_____
- * 89-27 LCN Closers (JD)(due 7/27)_____
- * 89-57 Village of Hampshire (MN)(due 9/14)_____
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REGULATORY DISCUSSIONS:

- R85-27 Special Waste Categorization Study (JA)_____
- R88-25 City of Havana, Proposed Rule, First Notice, Opinion and
Order (MN)_____
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AMENDED PETITIONS:

- 89-66 Village of North Aurora (filed 6/30)_____
- 89-102 Reilly Industries (filed 7/6)_____
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NEW CASES:

- 89-104 Metropolitan Waste Symstems, Inc. and Chicago Rail Link
v. City of Blue Island (BF)_____
- 89-105 IDOT, Commonwealth Edison Company (JM)

- 89-106 D & B Refuse Service, Inc. v. EPA (BF)

- 89-107 City of Geneva v. EPA (Note: Petition filed 6/30;
Filing fee received 7/7)(JM)_____
- 89-108 McLean County Disposal, Inc. v. The County of McLean
(BF)_____
- 89-109 Sparton Manufacturing Company (Graysville) v. EPA
(Provisional Variance)(JM)_____

NEW CASES: (Cont'd)

- 89-110 Sparton Manufacturing Company (Flora)(Provisional Variance)(JM)_____
- 89-111 Valspar Corporation v. EPA (Provisional Variance)(JM)_____
- 89-112 Chicago-Dubuque Foundry v. EPA (Provisional Variance) (JM)_____
- 89-113 Stepan Chemical Company v. EPA_____
- 89-114 Safety-Kleen Corporation v. EPA (BF)_____
- 89-115 Commonwealth Edison Quad Cities Power Station v. EPA (Provisional Variance)(JM)_____

ADJUSTED STANDARDS:

- 89-2 Elizabeth Street Foundry, Inc._____
- 89-3 The Nutrasweet Company and Consumers Illinois Water Company (See also motion to accept filing as either a petition for Adjusted Standard or for a Site-Specific Rule (6/30) and Agency motion for extension of time to respond to Petitioner's motion (7/12))_____

AC APPEALS:

- 89-97 Russell E. Sinclair_____
- 89-99 City of Lewistown_____
- 89-101 Fuller Brothers_____
- 89-108 Ed Clark_____
- 89-109 Guy Marlin_____

NEW AC CASES:

- 89-136 Everett Allen_____
- 89-137 Everett Allen_____

NEW AC CASES: (Cont'd)

- 89-138 Dr. John Donovan _____
- 89-139 Mark Meyers _____
- 89-140 Robert Norris _____
- 89-141 John Moody _____
- 89-142 Mike Norris _____
- 89-143 Andrew Cimino _____
- 89-144 Martin Nettemeyer _____
- 89-145 Roger Miller _____
- 89-146 Dr. David Pfeifer _____
- 89-147 John Buris, Jr. _____
- 89-148 Daniel & Darrel Wiegel _____
- 89-149 Tabor Grain Company _____
- 89-150 Village of Winnetka _____
- 89-151 Bryant's Sanitation, Inc. _____
- 89-152 Streator Area Landfill, Inc. _____
- 89-153 Joseph M. Luparell _____
- 89-154 City of Monticello _____
- 89-155 John Long _____

MINUTES:

June 22, 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)
87-209 Commonwealth Edison Company (JA)
AS 88-2 Stepan Company(JM)
* 88-25 Modine Manufacturing (JA)(open waiver)
88-36 Mervis Industries (JD)
* 88-58 Quantum Chemical (BF)(due 1/11)
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)
* 88-151 Citizens Utilities (RF)(due 11/15)
88-172 Allied-Signal (MN)(due 10/18)
88-173 Village of Lake Zurich (JTM)
* 88-191 Testor Corporation (JTM)(9/28)
* 88-195 McLean County Disposal (JTM)(open waiver)
89-23 IDOT, Loyola University (RF)
* 89-25 Can-Am Industries (BF)(due 9/28)
89-29 Village of Fox River Grove (BF)
* 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 9/28)