

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
AUGUST 10, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in ##88-156, -168, Trojan Corporation and Ensign-Bickford Company, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #89-18, Plastics, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion in support of a previously entered Order in #89-28, Waste Management, was adopted by a vote of 4-3. J. Anderson, J. Marlin and J. Theodore Meyer dissented. (JD)

An Opinion and Order was adopted in #89-67, B & W Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Order dismissing the proceedings and discharging the Scientific and Technical Section from further obligations under an April 7, 1988 Interim Order including those relating to ex parte restrictions, was adopted in R85-27, Special Waste Categorization, by a vote of 7-0. (JA)

Board Member J. Anderson moved a Proposed Rule, First Notice, Opinion and Order in R89-13, Special Waste Categorization (Dockets A & B). Motion to amend by B. Forcade and seconded by J. Dumelle failed to carry by a vote of 3-4 with J. Dumelle, B. Forcade and M. Nardulli for it and J. Anderson, R. Flemal, J. Marlin and J. Theodore Meyer against it. The Proposed Rule, First Notice, Opinion and Order was then adopted by a vote of 4-3. J. Dumelle, B. Forcade and M. Nardulli dissented. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-133, Hal Sims; 89-134, Illinois Central Gulf Railroad; 89-136, Everett Allen; 89-137, Everett Allen; 89-141, John Moody; 89-143, Andrew Cimino; 89-144, Martin Nettemeyer; 89-148, Daniel and Darrel Wiegel; 89-149, Tabor Grain Company; 89-150, Village of Winnetka; 89-151, Bryant's Sanitation; 89-152, Steator Area Landfill, Inc.; 89-154, City of Monticello.

Respondent's motion to impose costs and to bar testimony of Kathy and Jeffrey Western was denied in #89-44, Moline Corporation, by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action was granted in #AC 89-13, Jane Schwamberger, by a vote of 7-0. (JM)

Agency motion to withdraw the complaint and dismiss the action

was granted in #AC 89-44, Robert Ealey, by a vote of 7-0. (JM)

Agency motion to withdraw the complaint was granted in #AC 89-59, Ted Standefer, by a vote of 7-0. (JM)

By a vote of 7-0, an Order was adopted pursuant to Respondent's motion to withdraw its Petition for Review in #AC 89-83, J & L Pallet Service. (JM)

Agency motion to withdraw was granted in #AC 89-139, Mark Meyers, by a vote of 7-0. (JM)

Petitioner's motion to withdraw its permit appeal was granted in #88-50, Cabot Corporation, by a vote of 7-0. (BF)

Petitioner's motion to reconsider and vacate a June 22, 1989 Board Order was denied in #88-116, Sexton Filling and Grading, by a vote of 6-1. J. Anderson dissented. (BF)

Respondent's motion to dismiss Anden/ESR Corporation as a party defendant and substitute Town and Country Homes was denied in #88-173, Village of Kildeer, by a vote of 7-0. (JTM)

Petitioner's motion to withdraw its permit appeal was granted in #88-182, Cabot Corporation, by a vote of 7-0. (BF)

An Agency motion to exclude evidence and testimony will be taken with the case in chief in 88-191, Testor Corporation.

The Board noted that an objection was filed in #89-63, John Metropoulos.

Agency motion to file Agency Record Instantner was granted in #89-106, D & B Refuse, by a vote of 7-0. (JA)

An Order was adopted pursuant to Petitioner's motion for stay in #89-116, Motor Oils Refining, by a vote of 7-0. (RF)

By a vote of 7-0, an Order was adopted pursuant to a motion to extend the comment period filed by the Illinois Fertilizer and Chemical Association in R89-5, Groundwater Protection Regulations. (RF)

These cases were discussed and held to August 31, 1989 for further discussion or possible decision: ##85-137, Fred Jurcak; AC 88-76, -77, E & E Hauling; 88-203, American National Can; 89-58, Minnesota Mining; 89-68, American National Can; 89-83, American National Can.

These regulatory matters were discussed and held to August 31, 1989 for further discussion or possible decision: R88-5(B), Procedural Rules, Part 102; R88-21, Water Toxics; R88-30, Gasoline Volatility; R89-5, Groundwater Protection Regulations.

In new cases these actions were taken by a vote of 7-0:
##89-121, Metropolitan Waste Systems, Inc., Spicer, Inc., and Spicer Properties v. City of Marseilles, accepted for hearing, **Order by B. Forcade**; 89-122, Rowe Foundry and Machine Company v. EPA, accepted for hearing and the Board will incorporate the opinions and orders of the two prior variances in PCB 81-49 and PCB 88-21 and at hearing the Petitioner must furnish the Board with copies of all pertinent parts of the records pertaining to those earlier variances, **Order by B. Forcade**; 89-123, Horsehead Resource Development Company, Inc. v. EPA, accepted for hearing and motion for admission to practice pro hac vice for James F. Allen granted, **Order by B. Forcade**; 89-124, Wrico Packaging v. EPA, accepted for hearing, **Order by B. Forcade**; 89-125, Village of St. Libory v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**; 89-126, Armstrong World Industries, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**; 89-127, Raycarl Products v. EPA, provisional variance granted, **Order by J. Marlin**.

By a vote of 7-0, an Order was adopted pursuant to an Agency motion for an extension of time in #AS 89-3, Nutrasweet Company. (JM)

Since Petitions for Review were filed these Administrative Citations will be set for hearing: ##89-145, Roger W. Miller; 89-146, Dr. David Pfeifer; 89-147, John Burriss, Jr.; 89-153, Joseph Luparell.

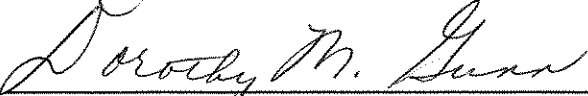
These Administrative Citations were received by the Board: ##89-162, Land and Lakes; 89-163, City of Chicago Heights and Fitz-Mar, Inc.; 89-164, Kemp Manufacturing Company; 89-165, Lawrence Krugman; 89-166, Leroy Brown and Sons, Inc.; 89-167, Albert Finton; 89-168, James Polen; 89-169, Andrew Sales; 89-170, Donald and Catherine Bouthot; 89-171, City of Paxton; 89-172, Kent Feeds, Inc.; 89-173, Village of Rantoul.

These additional regulatory matters were discussed and held to August 31, 1989 for further discussion or possible decision: R88-26, Safe Drinking Water Act Regulations; R89-1, RCRA Update, USEPA Regulations (August 1, 1988 through December 31, 1988); R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988); R89-3, Pretreatment Regulations (July 1, 1988 through December 31, 1988).

Minutes of these Board Meetings were approved by a vote of 6-0. Board Member R. Flemal voted present: July 27, 1989 and August 1, 1989.

All other matters not disposed of as listed were ordered held to August 31, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 31st day of August, 1989 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

- * 88-156) Trojan Corporation (MN)(due 9/14) _____
88-168)
- 89-18 Plastics, Inc. (JM) _____
- 89-28 Waste Management, Opinion (JD) _____
- 89-67 B & W Corporation (JM) _____
- R85-27) Special Waste Categorization, Proposed Rule, First
R89-13) Notice (JA) _____
-

AC DECISIONS:

- 89-133 Hal Sims _____
- 89-134 Illinois Central Gulf Rail Road _____
- 89-136 Everett Allen _____
- 89-137 Everett Allen _____
- 89-141 John Moody _____
- 89-143 Andrew Cimino _____
- 89-144 Martin Nettekemeyer _____
- 89-148 Daniel & Darrel Wiegel _____
- 89-149 Tabor Grain Company _____
- 89-150 Village of Winnetka _____
- 89-151 Bryant's Sanitation _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

- 89-152 Streator Area Landfill, Inc. _____
- 89-154 City of Monticello _____
-

AC MOTIONS:

- 89-13 Jane Schwamberger - Agency motion to withdraw complaint
and dismiss action (7/31) _____
- 89-44 Robert Ealey - Agency motion to withdraw complaint and
dismiss action (7/31) _____
- 89-59 Ted Standefer - Agency motion to withdraw complaint
(7/31) _____
- 89-83 J & L Pallet Service - Respondent's motion to withdraw
Petition for Review (8/4) _____
- 89-139 Mark Meyers - Agency motion to withdraw (8/2)

-

MOTIONS:

- 85-218 City of Belleville - motion for modification of October
29, 1987 Order (8/7)(JD) _____
- 88-23 Safety-Kleen - Petitioner's motion to voluntarily
withdraw (8/9) _____
- 88-50 Cabot Corporation - Petitioner's motion to withdraw
permit appeal (7/31)(BF) _____
- 88-116 Sexton Filling - Petitioner's motion to reconsider and
vacate June 22, 1989 Board Order (7/27), Agency's brief
in opposition to Petitioner's motion for reconsideration
(8/7)(BF)

- 88-173 Village of Kildeer - Respondent's motion to dismiss
Anden/ESR Corporation as a party Defendent and
substitute Town and Country Homes (7/28)(JTM)

- 88-182 Cabot Corporation - Petitioner's motion to withdraw
permit appeal (7/31)(BF) _____

MOTIONS: (Cont'd)

- 88-191 Testor Corporation - Agency motion to exclude evidence and testimony (7/24), Petitioner's response to Agency motion to exclude evidence and testimony (8/2) (JTM) _____
- 88-197 Safety-Kleen - Petitioner's motion to voluntarily withdraw (8/9) _____
- 88-198 Safety-Kleen - Petitioner's motion to voluntarily withdraw (8/9) _____
- 89-44 Moline Corporation - Respondent's motion to impose costs and to bar testimony of Kathy and Jeffrey Western (7/19), Complainant's response to Respondent's motion to impose costs and to bar testimony of Kathy and Jeffrey Western (8/4) _____
- 89-63 John Metropoulos - Objection (7/31) _____
- 89-86 Village of Sauget - Agency motion for leave to file Recommendation Instanter (8/9)(RF) _____
- 89-106 D & B Refuse - Agency motion to file Agency Record Instanter (7/31) _____
- 89-116 Motor Oils Refining - Petitioner's motion for stay (7/14), Agency motion in opposition to stay (7/25) _____
- R89-5 Groundwater Regulations - motion to extend post hearing comment period by the Illinois Fertilizer and Chemical Association (see Public Comment #6 dated July 31, 1989) (RF) _____

DISCUSSIONS:

- 85-137 Fred Jurcak (MN) _____
- AC 88-76 E & E Hauling (JA) _____
88-77
- * 88-203 American National Can (MN)(due 8/31) _____
- * 89-58 Minnesota Mining (JA)(due 8/31) _____
- * 89-68 American National Can (JM)(due 8/31) _____
- 89-83 American National Can (BF)(due 8/31) _____

REGULATORY DISCUSSIONS:

- R88-5 Procedural Rules, Part 102 (JTM) _____
 (B)
- R88-21 Water Toxics (RF) _____
- R88-30 Gasoline Volatility (JD) _____
- R89-5 Groundwater Regulations, Proposed Rule, First Notice,
 Opinion and Order (RF) _____
-

NEW CASES:

- 89-121 Metropolitan Waste Systems, Inc., Spicer, Inc., and
 Spicer Properties, Inc. v. City of Marseilles (BF)

- 89-122 Rowe Foundry and Machine Company v. EPA (BF)

- 89-123 Horsehead Resource Development Company, Inc. v. EPA (See
 also motion for admission to practice pro hac vice for
 James F. Allen)(BF) _____
- 89-124 Wrico Packaging v. EPA _____
- 89-125 Village of St. Libory v. EPA (Provisional Variance)(JM)

- 89-126 Armstrong World Industries, Inc. v. EPA (Provisional
 Variance)(JM) _____
- 89-127 Raycarl Products v. EPA (Provisional Variance)(JM)

-

AS MOTIONS:

- 89-3 Nutrasweet Comapny - Agency motion for extension of time
 (8/8) _____
-

AC APPEALS:

- 89-145 Roger W. Miller _____
- 89-146 Dr. David Pfeifer _____
- 89-147 John Burris, Jr. _____

AC APPEALS: (Cont'd)

89-153 Joseph Luparell_____

NEW AC CASES:

89-162 Land and Lakes Company_____

89-163 City of Chicago Heights & Fitz-Mar, Inc._____

89-164 Kemp Manufacturing Company_____

89-165 Lawrence Krugman_____

89-166 Leroy Brown & Sons, Inc._____

89-167 Albert Finton_____

89-168 James Polen_____

89-169 Andrew Sales_____

89-170 Donald & Catherine Bouthot_____

89-171 City of Paxton_____

89-172 Kent Feeds, Inc._____

89-173 Village of Rantoul_____

MINUTES:

July 27, 1989_____

August 1, 1989 (Special Board Meeting)_____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
* 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)
AC 88-51 Piolet Brothers (RF)
* 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)
* 88-98 IBP, Inc. (BF)(due 9/14)
88-127 Koppers Company (JD)
88-151 Citizens Utilities (RF)(due 1/11)
* 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)
88-199 Seegers Grain (JM)
88-207 Central Illinois Public Service (MN)
* 89-5 Arco Products (RF)(due 1/25)
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)
89-53 Lefton Iron & Metal (MN)
* 89-66 Village of North Aurora (RF)(due 11/15)
89-64 Gallagher Blacktop (BF)
89-69 Klausung Tree Service (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)
* 89-102 Reilly Industries (JA)(due 11/2)
* 89-104 Metropolitan Waste Systems (JD)(due 10/18)
* 89-107 City of Geneva (JM)(due 11/2)
* 89-108 McLean County Disposal (JTM)(due 11/15)

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

ADDENDUM

REGULATORY DISCUSSIONS:

- R88-26 Safe Drinking Water Act Regulations, Order (JA)

- R89-1 RCRA Update, USEPA Regulations (August 1, 1988
through December 31, 1988)(JA)_____
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through
December 31, 1988)(JA)_____
- R89-3 Pretreatment Regulations (July 1, 1988 through
December 31, 1988)(JM)_____