

**MINUTES OF REGULAR BOARD MEETING
AUGUST 30, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #86-210, Hillview Farms Fertilizers, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #87-209, Commonwealth Edison Company, by a vote of 6-1. B. Forcade dissented. (JA)

An Opinion and Order was adopted in #89-155, Decor Gravure, by a vote of 6-1. J. Dumelle dissented. (JA)

An Opinion and Order was adopted in #89-182, Robert and Joan Kvatsak, by a vote of 6-1. J. Theodore Meyer dissented and J.C. Marlin concurred. (BF)

An Opinion and Order was adopted in #89-186, Bulk Molding Compounds, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #AC 89-224, John Vander, by a vote of 4-3. Messrs J. Dumelle, J. Theodore Meyer and B. Forcade dissented. (MN)

An Opinion and Order was adopted in #AC 89-227, Jack Wright, by a vote of 7-0. J. Theodore Meyer and B. Forcade concurred. (JCM)

An Opinion and Order was adopted in #AC 89-292 (Docket B), Land and Lakes, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #AC 89-304, G & M Wrecking, by a vote of 5-2. Messrs. J Theodore Meyer and B. Forcade dissented and J. Dumelle concurred. (JA)

An Opinion and Order was adopted in #90-68, Oscar Mayer Food, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-94, D & L Landfill, by a vote of 6-1. J. Dumelle dissented and B. Forcade concurred. (MN)

An Opinion and Order was adopted in #90-106, Village of Ipava, by a vote of 6-1. J. Theodore Meyer dissented. (RF)

In R84-44, City of Pana Site-Specific, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JCM)

In R86-9(B), Hazardous Waste Prohibitions, Both J. Dumelle and R. Flemal Orders failed to carry by 3-4 votes. The matter will be re-assigned to another Board Member.

In R86-14, Borden Site-Specific, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R90-10, RCRA Toxicity Characteristic Leaching Procedures (TCLP) (January 1, 1990 through March 31, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##90-53, Daniel Van Fleet; 90-55, Lindell Loveless; 90-57, Frank Doan; 90-60, Reginald Paige; 90-61, Robert Winsor.

An Order vacating the Default Order and dismissing the proceedings was adopted in #AC 90-27, Johnson Blackwell, by a vote of 5-2. J. Theodore Meyer and B. Forcade dissented. (JCM)

An Order joining the Illinois Environmental Protection Agency as a party to this proceeding and directing both Tazewell County and the Agency to respond to Respondent's motion to dismiss by September 20, 1990, was adopted in #AC 90-40, Steve Zimmerman, by a vote of 7-0. (JCM)

Complainant's motion to withdraw complaint and dismiss action was granted in #AC 90-58, Kenneth Pearson, by a vote of 7-0. (JCM)

An Order directing the Hearing Officer to schedule a hearing no later than September 10, 1990 and to complete such hearing no later than November 1, 1990, was adopted in #85-164, Western Illinois Power, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JCM)

Petitioner's motion to modify a May 19, 1988 Board Order was denied in #86-4, City of Morris, by a vote of 7-0. (JD)

An Order directing the parties to make appropriate filings on or before September 30, 1990, as to who is presently authorized to represent the Agency's views, given the age of the case, was adopted in #86-48, Wells Manufacturing, by a vote of 7-0. (RF)

An Order granting the Petitioner and the Agency's request for additional time and ordering all parties to file a report on the status of negotiations with the Clerk of the Board to be received no later than October 9, 1990 at 4:30 p.m., was adopted in #87-89, Cargill, by a vote of 7-0. (JCM)

Because the Hearing Officer cannot resolve the issues raised in Respondents' Motion Preliminary to Hearing, an Order advising the

Respondents' that the motion will be taken with the case-in-chief and advising the Complainants and Respondents to address the issues raised in the motion at hearing and in its briefs, was adopted in #89-19, Daniel and Helen Lorden, by a vote of 7-0. (JA)

By a vote of 7-0, Respondent's motion for an extension of time to complete construction of an earthen berm was granted until September 27, 1990 in #89-64, Gallagher Asphalt. (BF)

Petitioner's motion to voluntarily dismiss was granted in #89-100, Borg-Warner, by a vote of 7-0. (BF)

By a vote of 7-0, an Order denying Respondent's motion to dismiss, ordering Respondent to cease and desist from violations of 35 Ill. Adm. Code 900.102 and 901.102, and to submit a report to the Board and Complainant which demonstrates compliance with all applicable Board regulation not later than September 15, 1990, was adopted in #89-152, Brian J. Peter. (RF)

Petitioner's motion for summary judgment was denied in #89-175, Olney Sanitary Systems, by a vote of 7-0. (MN)

By a vote of 7-0, an Order directing the Hearing Officer to file with the parties and the Board on or before September 12, 1990, a response to the claims made by Petitioner in its motion for sanctions, contempt and other relief, and to supply any other information that he believes is relevant, was adopted in #89-184, The Grigoleit Company. (JA)

Respondent's motion for leave to supplement the Agency Record Instanter was granted in #89-193, Motorola, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order requesting the Hearing Officer and the parties to submit by September 14, 1990, any information that they may have, and if possible, the original documents themselves captioned Petitioner's Motion for Leave to File Supplemental Petition and Supplemental Petition to First Amended Petition, since there is no indication that either document was ever filed with the Clerk of the Board, was adopted in #89-212, City of Braidwood. (JA)

Agency motion to stay pending appeal was denied in #90-3, Calvary Temple Church, by a vote of 7-0. (RF)

An Order requesting additional information by October 15, 1990, was adopted in #90-84, We-Toast Bread Company, by a vote of 5-2. J. Anderson and R. Flemal dissented and Messrs. J. Dumelle and J.C. Marlin concurred. (JTM)

By a vote of 4-3, Respondent Herman L. Loeb, was ordered to file, no later than 4:30 p.m. September 9, 1990, an affidavit to support matters asserted in his motion to dismiss in #90-89, Fred Johnson et al.. (JCM)

Agency motion to accept record was granted in #90-95, ESG Watts, by a vote of 7-0. (JCM)

By a vote of 7-0, Petitioner was advised that its motion to supplement the record with four other permits granted by the Agency, will be taken with the case-in-chief in #90-118, Land and Lakes. (JCM)

By a vote of 7-0, a hearing was authorized in #90-130, Borden Chemicals and Plastics, due to an objection to the grant of variance. (BF)

Agency motion to file Record Instanter was granted in #90-136, Maquet's 66 Service, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order was adopted pursuant to a motion to dismiss parties and for waiver of triplicate copies of certain documents in the record on appeal in #90-137, Village of Roxana. (JTM)

Agency motion to file Record Instanter was granted in #90-142, Pulitzer Community Newspapers, by a vote of 7-0. (JCM)

Agency motion to file Record Instanter was granted in #90-144, ESG Watts, by a vote of 7-0. (JCM)

Petitioner's motion for reconsideration of a July 3, 1990 Opinion and Order was denied in #R81-19, Citizens Utilities, by vote of 6-0. R. Flemal abstained. (JD)

These cases were discussed and held to September 13, 1990 for further discussion or possible decision: ##87-191, Lefton Iron and Metal; 90-53, Industrial Fuels.

These regulatory matters were discussed and held to September 13, 1990 for further discussion or possible decision: R89-14, Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order.

Amended petition #88-25, Modine Manufacturing, was held for an Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: #90-135, The Grigoleit Company v. EPA, Agency ordered to file a response to the petition by September 20, 1990, Order by J.C. Marlin; 90-145, Flamingo Lake, Joseph P. Comer and Michelle S. Comer v. Gallatin National Company and Senator Roger A. Keats,

President, Complainants ordered to file a response addressing the duplicitous and frivolous allegations by September 19, 1990, **Order by J.C. Marlin**; 90-146, Village of Matteson v. World Music Theatre, Jam Productions, Inc., Discovery South Group, Ltd., Gierczyk Development, Inc., accepted for hearing, **Order by R. Flemal**; 90-148, Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc., accepted for hearing; 90-149, Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. Straders Logging and Lumber Mill; 90-161, EPA v. Columbia Quarry Company, hearing mandatory; 90-162, Village of Plainfield v. EPA, Held for an Agency Recommendation and Petitioner advised that the Board will incorporate by reference Opinion and Orders from prior proceeding PCB 88-134, but will not incorporate the record itself; Petitioner's motion to file a limited number of copies of an exhibit granted, **Order by J.C. Marlin**; 90-163, Erwin Hediger et al. v. D & L Landfill, Inc., Bond County Board of Supervisors, County of Bond, State of Illinois, accepted for hearing, **Order by B. Forcade**.

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##90-52, William and Richard Pontious; 90-74, Laidlaw Waste Systems.

These Administrative Citations were received by the Board: ##90-75, Bruce Nelch, d/b/a Henry Nelch and Sons Company; 90-76, Johnson Blackwell; 90-77, Henry Nelch and Son; 90-78, Everett Allen, d/b/a Allen Waste Management.

This Adjusted Standard was accepted for hearing: #AS 90-7, Quantum Chemical Corporation, USI Division.

Joint motion for continuance was granted for a 120 days was granted in #88-115, Laclede Steel Company, by a vote of 4-3. Messrs. J. Dumelle, J. Theodore Meyer and M. Nardulli dissented. (JA)

In other new cases these actions were taken by a vote of 7-0: ##90-164, Riverside Laboratories, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 90-165, Riverside Laboratories, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 90-166, City of Genoa v. EPA, Held for an Agency Recommendation and Petitioner's request to incorporate certain testimony and exhibits from the record of prior proceeding R85-14, was denied, **Order by B. Forcade**.

All other matters not disposed of as listed were ordered held to September 13, 1990 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 September, 1990, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 30, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

88-115 Laclede Steel - Joint Motion for continuance (8/29)

90-137 Village of Roxana - Village of Roxana's motion for waiver of triplicate copies of certain documents and exhibits in Record on appeal (8/29)(JTM) (see motions on Final Agenda also) _____

NEW CASES:

90-164 Riverside Laboratories, Inc. v. EPA (BF) _____

90-165 Riverside Laboratories, Inc. v. EPA (BF) _____

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 30, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

86-210 Hillview Farms Fertilizers (JCM) (Stip)_____

87-209 Commonwealth Edison Company (JA)_____

88-127 Peter Arendovich (JCM)_____

89-155 Decor Gravure (JA) (Stip)_____

89-182 Robert & Joan Kvatsak (BF)_____

89-186 Bulk Molding Compounds (BF) (Stip)_____

AC 89-224 John Vander (MN)_____

(A & B)

AC 89-227 Jack Wright (JCM)_____

(A & B)

AC 89-292 Land and Lakes (JCM)_____

(Doc. B)

AC 89-304 G & M Wrecking (JA)_____

(A & B)

90-68 Oscar Mayer Food Corp. (MN) (Stip)_____

* 90-94 D & L Landfill (MN)(due)_____

90-106 Village of Ipava (RF) (Stip)_____

R84-44 City of Pana Site-Specific, Second Notice, Opinion and
Order, (JCM)_____

R86-9 Hazardous Waste Prohibitions, Opinion and Order (JD)

(B)

R86-14 Borden Site-Specific, Second Notice, Opinion and Order
(BF)_____

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

R90-10 RCRA Toxicity Characteristic Leaching Procedures (TCLP),
(January 1, 1990 through March 31, 1990) Adopted Rule,
Final Order, Opinion and Order (JA)

AC DECISIONS:

90-53 Daniel Van Fleet _____
 90-55 Lindell Loveless _____
 90-57 Frank Doan _____
 90-60 Reginald Paige _____
 90-61 Robert L. Winsor _____

AC MOTIONS:

90-27 Johnson Blackwell - Respondent's motion to reconsider or
vacate May 24, 1990 Default Order (6/27), Agency
response to motion to vacate (7/12), Respondent's
response (7/25)(JCM) _____
 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27)
(JCM) _____
 90-58 Kenneth Pearson - Complainant's motion to withdraw
Complaint and dismiss action (8/16) _____

MOTIONS:

85-164 Western Illinois Power - Board Order (JCM) _____
 86-3 City of Oglesby - Petitioner's motion for
reconsideration of June 7, 1990 Board Order and Amended
Petition (6/29)(JA) _____
 86-4 City of Morris - Petitioner's motion to modify May 18,
1988 Board Order (7/26), Agency response to Petitioner's
motion to modify Board Order (8/7)(JD) _____

MOTIONS: (Cont'd)

- 86-48 Wells Manufacturing - Petitioner's response to July 3, 1990 Board Order (7/27), Agency response to July 3, 1990 Board Order (8/3)(RF) _____
- 87-89 Cargill, Inc. - Petitioner's response to June 21, 1990 Board Order (8/8), Agency request for extension of time (8/8)(JCM) _____
- 89-19 Daniel Lorden and Helen Lorden - Respondents' motion preliminary to hearing (8/14), Complainants' reply to affirmative defenses (8/17), Complainants' motion for sanction (8/24); Complainants' motion to recuse (8/29), Complainants' reply to third affirmative defense (8/29) _____
- 89-64 Gallagher Asphalt - Respondent's motion for extension of time to complete construction of an Earthen Berm (7/27) (BF) _____
- 89-100 Borg-Warner - Petitioner's motion to voluntarily dismiss (8/13) _____
- 89-129 National Environmental Services - Petitioner's motion for rehearing, modification and vacating of Order (8/22) (BF) _____
- 89-151 Brian J. Peter - Respondents motion to dismiss (7/30)(RF) _____
- 89-175 Olney Sanitary Systems - Petitioners' Motion for summary judgment or in the alternative response to statement of Respondent (8/24); Agency response in opposition to Petitioners' motion for summary judgment (8/29) _____
- 89-184 Grigoleit - Petitioner's motion for sanctions, contempt and other relief (8/13); Respondent's response to motion for sanctions, contempt and other relief (8/27)(JA) _____
- 89-193 Motorola - Respondent's motion for leave to supplement Agency Record instanter (8/13) _____
- 89-212 City of Braidwood - Petitioner's motion to reconsider (8/27)(JA) _____
- 90-3 Calvary Temple Church - Agency motion to stay pending appeal (8/6)(RF) _____
- 90-84 We-Toast Bread - Board Order(JTM) _____

MOTIONS: (Cont'd)

- 90-89 Fred Johnson et al. - Respondent's motion to dismiss
(8/1) _____
- 90-95 ESG Watts, Inc. - Agency motion to accept Record(8/17)

- 90-118 Land and Lakes - Petitioner's motion to supplement
Agency Record (7/20), Agency objection to Petitioner's
motion to supplement Agency Record (8/9); Petitioner's
reply to objection (8/13)(JCM)

- 90-130 Borden Chemicals & Plastics - Letter of objection (8/17)
(BF) _____
- 90-136 Maquet's 66 Service - Agency motion to file Record
Instanter (8/21) _____
- 90-137 Village of Roxana - Laidlaw's motion to dismiss parties
(8/10), Petitioners' answer to motion to dismiss parties
(8/22)(JTM) _____
- 90-140 G & K Investments - Respondents' motion to dismiss
(8/13), Complainant's response to motion to dismiss
(8/21) _____
- 90-142 Pulitzer - Agency motion to file Record Instanter (8/27)

- 90-144 ESG Watts - Agency motion to file Record Instanter
(8/21) _____
- 90-147 City of Monmouth - Respondent's motion to dismiss (8/16)

- R81-19 Citizens Utilities - Petitioner's motion for
reconsideration of July 3, 1990 Opinion and Order
(8/3)(JD) _____

DISCUSSIONS:

- * 90-53 Industrial Fuels (BF)(due 9/13) _____
- 87-191 Lefton Iron and Metal (JD) _____

REGULATORY DISCUSSIONS:

R89-14 Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order (RF)

AMENDED PETITIONS:

88-25 Modine Manufacturing (filed 8/9)(JA)

NEW CASES:

90-135 The Grigoleit Company v. EPA

90-145 Flamingo Lake, Joseph P. Comer and Michelle S. Comer v. Gallatin National Company and Senator Roger A. Keats, President (Respondents' motion to dismiss (8/13))

90-146 Village of Matteson v. World Music Theatre, Jam Productions, Inc., Discovery South Group, Ltd., Gierczyk Development, Inc. (See Motion to Dismiss (8/20))

90-148 Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc.

90-149 Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. Straders Logging and Lumber Mill

90-161 EPA v. Columbia Quarry Company

90-162 Village of Plainfield v. EPA (See Motion to file limited copies)

90-163 Erwin Hediger, et al. v. D & L Landfill, Inc., Bond County Board (BF)

AC APPEALS:

90-52 William & Richard Pontious

90-74 Laidlaw Waste Systems

NEW AC CASES:

- 90-75 Bruce Nelch d/b/a Henry Nelch and Sons Company_____
 - 90-76 Johnson Blackwell_____
 - 90-77 Henry Nelch & Son_____
 - 90-78 Everett Allen, d/b/a Allen Waste Management_____
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NEW ADJUSTED STANDARDS:

AS 90-7 Quantum Chemical Corporation, USI Division_____

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)
 86-48 Wells Manufacturing (Remand)(RF)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-161 Elizabeth Street Foundry (JD)
 * 86-180 The Ceco Corporation (JTM)(open waiver)
 87-89 Cargill (Remand)(JCM)
 * 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)
 88-139 John Sexton (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 AS 89-2 Elizabeth Street Foundry (JD)
 AS 89-3 The Nutrasweet Company (BF)
 89-61 Village of Beecher (JCM)
 89-64 Gallagher Asphalt (BF)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-159 Crown Cork & Seal Company (JA)
 89-169 John & Jean Zarlenga (JA)
 * 89-170 Centralia Environmental Services (MN)
 89-179 Tony & Patricia Martin (MN)
 * 89-184 The Grigoleit Company (JA) (due 11/29)
 89-201 Crown Cork & Seal (JCM)
 89-205 Vito Zivoli (MN)
 AC 89-215 Omer Thomas (BF)
 AC 89-258 Donald Taylor (BF)
 AC 89-268 William and Betty Jayne (BF)
 90-12 Hysan Corporation (MN)
 90-13 ABC Rail Corporation (JD)
 90-19 DuPage Plating Company (JD)
 AC 90-36 EST Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-40 Steve Zimmerman and Waste Ltd. (JA)
 90-88 Eldon Swedberg (MN)
 90-91 General Electric Corporation (JA)
 90-92 Lennon Wallpaper Company (MN)
 90-93 Magnaflux Corporation (JA)
 90-98 Aggrecon Corporation (JCM)
 * 90-100 City of Ottawa (RF)(due 10/25)
 90-102 State Oil Company (JTM)
 90-105 Evangelical Health Systems a/k/a Christ Hospital (MN)
 90-115 Excello Color and Chemical Company (RF)
 * 90-118 Land and Lakes Company (JD)(due 10/11)
 * 90-122 City of Lockport (JCM)(due 10/25)
 * 90-130 Borden Chemicals & Plastics (BF)(due 10/25)
 * 90-131 City of Aurora (RF)(due 11/8)

PENDING CASES ASSIGNED: (Cont'd)

- * 90-134 Village of Maple Park (JA)(due 11/8)
- 90-137 Village of Roxana (JTM)(due 11/8)