

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
AUGUST 31, 1989 CHICAGO, ILLINOIS

All Board Members were present save J. Marlin who was attending a meeting. The meeting was chaired by J. Anderson.

An Opinion and Order was adopted in #88-203, American National Can, by a vote of 6-0. (MN)

An Opinion and Order was adopted in #AC 89-10 (Docket B), Jim Landers, by a vote of 6-0. (MN)

An Opinion and Order was adopted in #89-58, Minnesota Mining, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #89-68, American National Can, by a vote of 6-0. (JA)

In R88-5 (Docket B), Procedural Rules, Part 102, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. B. Forcade concurred. (JTM)

In R88-21, Water Toxics, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. J. Dumelle concurred. (RF)

An Order was adopted in R88-26, Safe Drinking Water Act Regulations, by a vote of 6-0. (JA)

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

An Order was adopted in R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), by a vote of 6-0. (JA)

In R89-5, Groundwater Protection Regulations, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. B. Forcade concurred. (RF)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##89-155, John Long; 89-157, Andrew Kaufman.

Agency motion to dismiss was granted in #AC 87-93, Russel Noel, by a vote of 6-0. (JA)

Agency motion to withdraw the complaint was granted in #AC 89-45, Adella Klasing, by a vote of 6-0. (JA)

Agency motion to withdraw the complaint was granted in

#AC 89-104, Village of Brocton, by a vote of 6-0. (JA)

Agency motion to dismiss was granted in #AC 89-158, Chicago Heights Refuse, by a vote of 6-0. (JA)

Agency motion to dismiss was granted in #89-160, DeKalb Sanitary District, by a vote of 6-0. (JA)

Agency motion to extend time to reply to a motion for modification was granted in #85-218, City of Belleville, by a vote of 6-0. (JD)

Petitioner's motion to withdraw permit appeal was granted in #87-60, 3M Company, by a vote of 6-0. (BF)

Petitioner's motion to dismiss permit appeal was granted in #87-151, Acme Steel, by a vote of 6-0. (BF)

Petitioner's motion to dismiss permit appeal was granted in #87-152, Acme Steel, by a vote of 6-0. (BF)

Petitioner's motion to dismiss permit appeal was granted in #87-153, Acme Steel, by a vote of 6-0. (BF)

Petitioner's motion to dismiss was granted in #87-167, Admiral, by a vote of 6-0. (BF)

An Order was adopted pursuant to a motion for reconsideration in #88-16, Anthony Kochanski, by a vote of 6-0. (JA)

Petitioner's motion to voluntarily withdraw was granted in #88-23, Safety-Kleen, by a vote of 6-0. (BF)

Joint motion to dismiss was granted in ##88-68, -136, Trojan Corporation, by a vote of 6-0. (JA)

Agency motion for leave to file its Reply and amended Recommendation was granted in #88-172, Allied-Signal, by a vote of 6-0. (JA)

Petitioner's motion to voluntarily withdraw was granted in #88-197, Safety-Kleen, by a vote of 6-0. (BF)

Petitioner's motion to voluntarily withdraw was granted in #88-198, Safety-Kleen, by a vote of 6-0. (BF)

Agency motion for leave to file Record Instanter was granted in #89-42, Old Ben Coal, by a vote of 6-0. (JA)

Agency motion for leave to file Recommendation Instanter was granted in #89-102, Reilly Industries, by a vote of 6-0. (JA)

Agency motion to file Permit Record Instanter was granted in #89-114, Safety-Kleen, by a vote of 6-0. (JA)

Petitioner's motion for stay was denied and Agency motion to file opposition to discretionary stay Instanter was granted in #89-116, Motor Oils Refining, by a vote of 6-0. (RF)

Respondent's motion to modify an Order of the Board was denied in #89-121, Metropolitan Waste Systems, by a vote of 6-0. (MN)

Agency motion for a public hearing was denied as moot and the Agency's alternate motion to dismiss the proceedings if S.B. 1688 is not signed was denied in R89-8, Exemptions from the Definition of VOM, by a vote of 6-0. (JA)

These cases were discussed and held to September 13, 1989 for further discussion or possible decision: ##AC88-76, E & E Hauling; AC88-77, E & E Hauling; 88-98, IBP; 89-25, Can-Am Industries; 89-79, Joliet Army; 89-83, American National Can; 89-84, Village of Yorkville; 89-86, Village of Sauget.

These regulatory matters were discussed and held to September 13, 1989 for further discussion or possible decision: R87-2, Marathon Petroleum; R87-6, Phosphorus Effluent Standard; R89-7, Continuous Monitoring Rules.

An Order was adopted pursuant to Petitioner's motion to withdraw the full text version of its permit appeal and to file a corrected version in amended petition #89-118, Highland Supply Corporation. (BF)

By a vote of 6-0, Agency motion to dismiss was denied and the petition was accepted for hearing in amended petition #AS 89-2, Elizabeth Street Foundry. (JA)

In new cases these actions were taken by a vote of 6-0: #89-128, IBP, Inc. v. EPA, Agency motion for extension of time to file the permit record and Petitioner's motion to amend its petition were granted and parties were ordered to file affidavits to verify factual assertions contained in the Agency's motion to dismiss and Petitioner's response to motion to dismiss, Order by J. Anderson; 89-129, National Environmental Services, Corporation v. EPA, additional information requested, Order by B. Forcade; 89-130, Village of Malta v. EPA, held for Agency Recommendation; 89-131, City of Galva v. EPA, held for Agency Recommendation; 89-132, Safety-Kleen Corporation v. EPA, accepted for hearing, Order by B. Forcade; 89-133, Union Company of California v. EPA, accepted for hearing and Petitioner's counsel directed to file a motion to appear pro hac vice if firm is not located in the State of Illinois, Order by B. Forcade; 89-134, Illinois Power Company (Baldwin Facility) v. EPA, provisional variance granted, Opinion and Order by J. Anderson; 89-135, Olin v. EPA, provisional variance granted, Order by J. Anderson; 89-136, Metal Box Corporation v. EPA, provisional variance granted, Order by J. Anderson; 89-137, W.R. Grace and Company v. EPA, accepted for hearing, Order by B. Forcade.

This Adjusted Standard was accepted for hearing: 89-4, Safety-Kleen Corporation by a vote of 6-0.

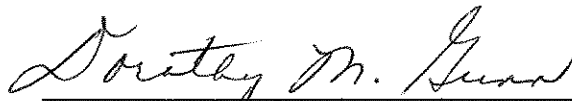
Because Petitions for Review were received these Administrative Citations will be set for hearing: ##89-156, John A. Gordon; 89-161, American Fly Ash Company; 89-162, Land and Lakes Company.

These Administrative Citations were received by the Board: 89-174, Earl Bradd; 89-175, Stryker International; 89-176, Palumbo Asphalt; 89-177, City of Markham; 89-178, City of Harvey; 89-179, D & L Disposal; 89-180, City of Monmouth; 89-181, City of Georgetown; 89-182, Mark Grigiski; 89-183, Renaissance Restoration, Inc.; 89-184, Robert and Dean Bishop; 89-185, Charles Moon; 89-186, Louis J. Goldstein; 89-187, Waste Hauling Landfill, Inc.; 89-188, Waste Control, Inc.; 89-189, City of Casey; 89-190, James and Nellie Britz; 89-191, Adolph Lo; 89-192, City of Casey; 89-193, Cedar Siding and Lumber, Inc.; 89-194, G.M. Wrecking Company, Inc.; 89-195, Jersey Sanitation Corporation; 89-196, Wayne D. Molen, et al.; 89-197, Norma Landers.

Minutes of the August 10, 1989 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to September 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 September, 1989 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 31, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 88-203 American National Can (MN)(due) _____
- AC 89-10 Jim Landers (MN) _____
Doc. B
- * 89-58 Minnesota Mining (JA)(due) _____
- * 89-68 American National Can (JM)(due) _____
- R88-5 Procedural Rules, Part 102, Proposed Rule, First Notice,
Doc. B Opinion and Order (JTM) _____
- R88-21 Water Toxics, Proposed Rule, First Notice, Opinion and
Order (RF) _____
- R88-26 Safe Drinking Water Act Regulations, Order (JA)

- R88-30 Gasoline Volatility, Proposed Rule, First Notice,
Opinion and Order (JD) _____
- R89-1 RCRA Update, USEPA Regulations (August 1, 1988 through
December 31, 1988), Order (JA) _____
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through
December 31, 1988), Order (JA) _____
- R89-3 Pretreatment Regulations (July 1, 1988 through December
31, 1988), Order (JA) _____
- R89-5 Groundwater Protection Regulations, Proposed Rule, First
Notice, Opinion and Order (RF) _____
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* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

89-155 John Long _____
89-157 Andrew J. Kaufman _____

AC MOTIONS:

87-93 Russel Noel - Agency motion to dismiss (8/11)

88-51 Pielet Brothers - Respondent's motion for stay of
Doc. B payment and fine and objection to costs (8/28)

89-45 Adella Klasing - Agency motion to withdraw complaint
(8/21) _____
89-104 Village of Brocton - Agency motion to withdraw complaint
(8/21) _____
89-158 Chicago Heights Refuse - Agency motion to dismiss (8/11)

89-160 DeKalb Sanitary District - Agency motion to dismiss
(8/11) _____

MOTIONS:

85-218 City of Belleville - motion for modification of October
29, 1987 Order (8/7); Agency motion to extend time to
reply to motion for modification (8/25)(JD)

87-60 3M Company - Petitioner's motion to withdraw Permit
Appeal (8/21)(BF) _____
87-151 Acme Steel Company - Petitioner's motion to dismiss
Permit Appeal (8/21)(BF) _____
87-152 Acme Steel Company - Petitioner's motion to dismiss
Permit Appeal (8/21)(BF) _____
87-153 Acme Steel Company - Petitioner's motion to dismiss
Permit Appeal (8/21)(BF) _____
87-167 Admiral - Petitioner's motion to dismiss (8/29)(BF)

MOTIONS: (Cont'd)

- 87-191 Lefton Iron & Metal - Complainants' motion for summary judgment (8/11); Respondents' objection to motion for summary judgment (8/16); Counterclaimant's motion for summary judgment (8/29); Respondents' cross-motion for summary judgment (8/29) _____
- 88-16 Anthony Kochanski - Complainant's motion for reconsideration (8/16); Respondent's response to motion for reconsideration (8/22)(JM) _____
- 88-23 Safety-Kleen - Petitioner's motion to voluntarily withdraw (8/9)(BF) _____
- 88-68 Trojan Corporation - Petitioner's joint motion to
88-136 dismiss (8/21)(BF) _____
- 88-172 Allied-Signal - Agency motion for leave to file Reply and Amended Recommendation Instanter (8/21) _____
- 88-197 Safety-Kleen - Petitioner's motion to voluntarily withdraw (8/9)(BF) _____
- 88-198 Safety-Kleen - Petitioner's motion to voluntarily withdraw (8/9)(BF) _____
- 89-28 Waste Management - Petitioner's motion to reconsider (8/25) _____
- 89-42 Old Ben Coal - Agency motion for leave to file Record Instanter (8/21) _____
- 89-102 Reilly Industries - Agency motion for leave to file Recommendation Instanter (8/18) _____
- 89-114 Safety-Kleen - Agency motion to file Permit Record Instanter (8/9) _____
- 89-116 Motor Oils Refining - Petitioner's motion for stay (7/14), Agency motion in opposition to stay (7/25); Petitioner's Response to Board Order of 8/10/89 (8/23); Agency motion to file Instanter and motion in opposition to discretionary stay (8/24)(RF) _____
- 89-121 Metropolitan Waste Systems, et al. - Repondent's motion to modify Order of the Board (8/28) _____
- R89-8 Exemptions from VOM Definitions - Agency motion for a public hearing (8/10)(JA) _____
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DISCUSSIONS:

- AC 88-76 E & E Hauling (JA) _____
- AC 88-77 E & E Hauling (JA) _____
- * 88-98 IBP, Inc. (BF)(due 9/13) _____
- * 89-25 Can-Am Industries (BF)(due 9/28) _____
- * 89-79 Joliet Army (MN)(due 9/13) _____
- * 89-83 American National Can (BF)(due 9/13) _____
- * 89-84 Village of Yorkville (JM)(due 9/13) _____
- * 89-86 Village of Sauget (RF)(due 9/13) _____

REGULATORY DISCUSSIONS:

- R87-6 Phosphorus Effluent Standard, Second Notice, Proposed
Opinion and Order (JA) _____
- R89-7 Continuous Monitoring Rules (JD) _____

AMENDED PETITIONS:

- 89-118 Highland Supply (filed 8/10) (see Petitioner's motion to
withdraw the full text version of the permit appeal and
to file a corrected version (8/10); Agency response to
Board Order of 7/27/89 (8/14); Petitioner's Brief in
support of filing in a timely manner (8/16/))(BF)
- AS 89-2 Elizabeth Street Foundry (filed 8/25) - (see Agency
motion to dismiss (8/15); Petitioner's response to
Agency motion to dismiss (8/28))(JM) _____

NEW CASES:

- 89-128 IBP, inc. v. EPA, (Agency motion to dismiss and motion
for extension of time (8/21); Petitioner's response to
Agency motion to dismiss, motion to amend petition
(8/25))(JM) _____
- 89-129 National Environmental Services Corp. v. EPA (BF)

NEW CASES: (Cont'd)

89-130 Village of Malta v. EPA _____
89-131 City of Galva v. EPA _____
89-132 Safety-Kleen Corporation v. EPA (BF) _____
89-133 Union Oil Company of California (BF) _____
89-134 Illinois Power Company (Baldwin Facility) v. EPA
(Provisional Variance)(JM) _____
89-135 Olin v. EPA (Provisional Variance)(JM) _____
89-136 Metal Box Corp. v. EPA (Provisional)(JM) _____
89-137 W.R. Grace & Co. v. EPA _____

ADJUSTED STANDARDS:

89-4 Safety-Kleen Corporation _____

AC APPEAL:

89-156 John A. Gordon _____
89-161 American Fly Ash Company _____
89-162 Land Lakes Company _____

NEW AC CASES:

89-174 Earl Bradd _____
89-175 Stryker International _____
89-176 Palumbo Asphalt _____
89-177 City of Markham _____
89-178 City of Harvey _____
89-179 D & L Disposal _____
89-180 City of Monmouth _____
89-181 City of Georgetown _____

NEW AC CASES: (Cont'd)

89-182 Mark Grigiski _____
89-183 Renaissance Restoration, Inc. _____
89-184 Robert Bishop and Dean Bishop _____
89-185 Charles Moon _____
89-186 Louis J. Goldstein _____
89-187 Waste Hauling Landfill, Inc. _____
89-188 Waste Control, Inc. _____
89-189 City of Casey _____
89-190 James E. Britz and Nellie L. Britz _____
89-191 Adolph Lo _____
89-192 City of Casey _____
89-193 Cedar Siding and Lumber, Inc. _____
89-194 G.M. Wrecking Co., Inc. _____
89-195 Jersey Sanitation Corporation _____
89-196 Wayne D. Molen, et al. _____
89-197 Norma Landers _____

MINUTES:

August 10, 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 11/15)
* 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 88-90 James Esarey (JM)
AC 88-93 City of Herrin (JM)
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)
89-23 IDOT, Loyola University (RF)
89-29 Village of Fox River Grove (BF)
89-53 Lefton Iron & Metal (MN)
89-64 Gallagher Blacktop (BF)
* 89-66 Village of North Aurora (RF)(due 11/15)
89-69 Klausung Tree Service (BF)
* 89-92 Christian County Landfill (JD)(due 9/28)
* 89-102 Reilly Industries (JA)(due 11/2)
* 89-104 Metropolitan Waste Systems (JD)(due 11/2)
* 89-107 City of Geneva (JM)(due 11/2)
* 89-108 McLean County Disposal (JTM)(due 11/15)
* 89-121 Metropolitan Waste Systems (MN)(due 11/15)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 31, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS

- 88-2 Dow Chemical Company - Petitioner's motion to dismiss
and cancel hearing (8/30) _____

- 88-8 Mobil Chemical Company - Petitioner's motion to dismiss
and cancel hearing (8/30) _____