

**MINUTES OF REGULAR BOARD MEETING
FEBRUARY 7, 1991 CHICAGO, ILLINOIS**

All Board Members were present save J. Dumelle who was ill.

An Opinion and Order was adopted in #89-72, Olin Chemicals, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #AC 89-156 (Dockets A & B), John Gordon, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #90-126, Marathon Petroleum, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #90-167, City of Morris, by a vote of 5-1. B. Forcade dissented. (RCF)

An Interim Order was adopted in #90-177, A.K.A. Land, by a vote of 5-1. M. Nardulli dissented and J. Anderson, J.C. Marlin and J. Theodore Meyer concurred. (BF)

An Opinion and Order was adopted in #90-226, City of Toluca, by a vote of 5-1. B. Forcade dissented. (JCM)

By a vote of 6-0, the Board, on its own motion, dismissed subdockets (A) and (B) in R89-17, Application of California Motor Vehicle Control Program in Illinois. Subdocket (C), proposed by the Board on October 11, 1990, remains under consideration by the Board. (JTM)

In R90-7, Agriculture-Related Pollution, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (RCF)

In R90-26, Solid Waste Rules for the Illinois Foundry and Steel Industries, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: #90-96, American Fly Ash; 90-97, Everett Allen; 90-98, Lincoln/Logan Landfill; 90-99, Richard Gorazd, Jr..

An Order directing the Hearing Officer to set a hearing by April 15, 1991 and to finish all hearings by August 2, 1991, was adopted in #AC 89-215, Omer Thomas, by a vote of 6-0. (BF)

A joint motion to reopen the docket and to approve a stipulation was granted in #86-104, Sours Grain Company, by a vote of 5-1. J. Theodore Meyer dissented. (RCF)

By a vote of 6-0, Petitioner's motion for reconsideration was granted, and upon reconsideration, the Board reaffirmed its December 20, 1990 Opinion and Order in #86-180, The Ceco

Corporation. However, Petitioner's reply to the Agency's response to its motion for reconsideration was stricken since the Petitioner did not request leave to file the reply pursuant to Section 101.241. (JTM)

By a vote of 6-0, Agency motion to file instanter was granted and the Hearing Officer was directed to schedule a hearing as expeditiously as possible after July 1, 1991, and to finish all hearings by August 2, 1991, in #88-98, IBP, Inc. (BF)

An Order dismissing the proceedings in #89-64, Gallagher Asphalt, was adopted by a vote of 6-0. (BF)

Petitioner's motion for expedited determination in #90-102, State Oil Company, was granted and Petitioner was advised that the Board will act on the matter as soon as possible, consistent with the Board's workload and resources. The vote was 6-0. (JTM)

Petitioner's motion for additional time to file its amended petition in #90-122, City of Lockport, was granted until February 28, 1991, by a vote of 6-0. (JTM)

Petitioner's motion to withdraw was granted in #90-172, Waste Management of Wisconsin, by a vote of 6-0. (BF)

Agency motion for extension of time to file record was granted until February 22, 1991 in #90-225, B.F. Goodrich, by a vote of 6-0. (JCM)

Agency motion for summary judgment was granted in #91-1, Alton Community Unit School District, by a vote of 6-0. (MN)

Agency motion for extension of time to file record was granted until February 19, 1991 in #91-3, Cerro Copper Products, by a vote of 6-0. (JCM)

Agency motion to strike Petitioner's response to its motion to dismiss was denied and the Agency's alternative motion for leave to file a reply to Petitioner's response to its motion was granted until February 22, 1991 in #91-5, Marjorie B. Campbell, by a vote of 6-0. (JCM)

Motion to intervene entered by the State's Attorney for Will County was granted in #91-7, Land and Lakes, by a vote of 6-0. (BF)

By a vote of 6-0, petition to intervene by the Forest Preserve District of Will County was denied in #91-7, Land and Lakes. However, the Forest Preserve District may file an amicus curiae brief. (BF)

An Order directing the Petitioner to file a status report with

the Board no later than April 8, 1991, was adopted in R90-18, Petition of USX Corporation for Hazardous Waste Delisting, by a vote of 6-0. (JA)

An Order advising the Illinois Utility Group that it has come to the Board's attention that it may file an amendment to its regulatory proposal and directing the Utility Group to file either a motion stating such intent as well as the time at which it will file the amended proposal or the amended proposal itself, which should be received by the Board no later than February 20, 1991, was adopted in R90-25, Amendments to the Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, 35 Ill. Adm. Code 811, by a vote of 6-0. All future filings in this docket shall carry the caption, "Landfill Rules for the Utility Industry". (JA)

These cases were discussed and held to February 28, 1991 for further discussion or possible decision: ##89-205, Vito Zivoli; 90-199, Department of the Army.

These regulatory matters were discussed and held to February 28, 1991 for further discussion or possible decision: R87-37, PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order; R89-5, Technical Standards, Proposed Rule, Second First Notice, Opinion and Order; R90-9, Used and Waste Tire Regulations, Proposed Rule, Second Notice, Opinion and Order; R90-17, RCRA Delisting, Adopted Rules, Final Order, Opinion and Order.

In amended petitions these actions were taken by a vote of 6-0: ##90-227, DMI, Inc., accepted for hearing, Order by B. Forcade; 90-228, City of Mt. Vernon, held for Agency Recommendation; 91-6, Quantum Chemical, accepted for hearing, Order by B. Forcade.

In new cases these actions were taken by a vote of 6-0: ##90-243, Finks and Austman v. EPA, Agency motion to dismiss granted, Order by J. Anderson; 91-17, BF Goodrich Corporation (Henry Facility) v. EPA, accepted for hearing, Order by B. Forcade; 91-18, Illinois Central Railroad (Centralia Facility) v. EPA, accepted for hearing, Order by B. Forcade; 91-19, People of the State of Illinois v. Sun Ag, Inc., hearing mandatory; 91-20, People of the State of Illinois v. Amoco Petroleum Additives Company, hearing mandatory; 91-21, Village of Gardner v. EPA, Petitioner's motion for leave to file limited Exhibits granted and held for Agency Recommendation, Order by J. Anderson; 91-22, City of Minonk v. EPA, held for Agency Recommendation; 91-23, Crosfield Catalysts v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-24, Shell Oil Company v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-25, Precision Coatings, Inc. v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-26, Precoat Metals v. EPA,

provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-27, Rockford Products #2 v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; R91-6, PM₁₀ for Portland Cement Manufacturing and Quarries, accepted for hearing, Order by B. Forcade; R91-7, RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 218, accepted for hearing, Order by J. Theodore Meyer; R91-8, RACT Deficiencies in the Metro-East Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 219, accepted for hearing, Order by J. Theodore Meyer; R91-9, Petition of DMI, Inc. for Site-Specific Air Regulation: 35 Ill. Adm. Code 215.215, accepted for hearing, Order by J.C. Marlin.

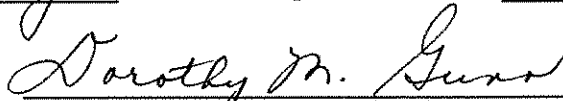
This Administrative Citation was received by the Board: #91-3, Lincoln/Logan Landfill.

Minutes of the January 24, 1991 Board Meeting were approved by a vote of 6-0.

By a vote of 6-0, this new case was accepted for hearing: #91-28, Acme Steel Company v. EPA. (BF)

All other matters not disposed of as listed were ordered held to February 28, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 28th day of February, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 7, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

91-28 Acme Steel Company v. EPA _____

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 7, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AS 89-3 The Nutrasweet Company (BF) _____
- * 89-72 Olin Chemicals (BF)(due 2/28) _____
- AC 89-156 John Gordon (BF) _____
(A & B)
- * 90-126 Marathon Petroleum (JD)(due) _____
- * 90-167 City of Morris (RF)(due) _____
- * 90-177 A.K.A. Land (JD)(due 2/21) _____
- * 90-226 City of Toluca (JCM)(due 3/28) _____
- R89-17 Application of California Motor Vehicle Control Program
(A & B) in Illinois, Dismissal Order (JTM)

- R90-7 Agriculture-Related Pollution, Proposed Rule, First
Notice, Opinion and Order (RF)

- R90-26 Solid Waste Rules for the Illinois Foundry and Steel
Industries, Proposed Rule, First Notice, Opinion and
Order (JA) _____

AC DECISIONS:

- 90-96 American Fly Ash _____
- 90-97 Everett Allen _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

- 90-98 Lincoln/Logan Landfill _____
- 90-99 Richard Gorazd, Jr. _____

AC MOTIONS:

- 89-215 Omer Thomas - Board Order (BF) _____

MOTIONS:

- 86-104 Sours Grain - joint motion to approve stipulation
(1/15)(RF) _____
- 86-180 The Ceco Corporation - Petitioner's motion for
reconsideration of December 20, 1990 Opinion and Order
(1/23), Agency response to Petitioner's motion for
reconsideration (2/1), Petitioner's reply to Agency's
response to motion for reconsideration (2/5)(JTM)
- 88-98 IBP, Inc. - Respondent's motion to file statement
Instanter (1/23)(BF) _____
- 89-64 Gallagher Asphalt - Board Order (BF)
- 89-151 Geneva Meat & Fish Market - Respondent's motion to
reconsider and other relief (1/24), Complainant's
objection to Respondent's motion to reconsider and other
relief (2/4)(RF)
- 89-183 City of Batavia - Petitioner's motion to amend August 9,
1990 Opinion and Order (1/18), Agency response to
Petitioner's motion to amend Board Order (1/30)(JTM)
- 90-46 Rockford Drop Forge - Petitioner's motion for
reconsideration of December 20, 1990 Order (1/29)(MN)
- 90-102 State Oil Company - Petitioner's petition for expedited
determination (1/30)(JTM) _____
- 90-122 City of Lockport - Petitioner's motion for additional
time to file amended petition (12/31)(JCM)

MOTIONS: (Cont'd)

- 90-142 Pulitzer Community Newspapers - Agency motion for reconsideration of December 20, 1990 Order (1/18), Petitioner's reply to Agency motion for reconsideration (1/23)(MN) _____
- 90-172 Waste Management of Wisconsin - Petitioner's motion to withdraw permit appeal (2/4)(BF) _____
- 90-216 Clean Quality Resources - James Wham et al. motion to reconsider the Hearing Officer's denial of party's right to intervene and file brief (2/5)(MN) _____
- 90-225 B.F. Goodrich - Agency motion for extension of time to file Record (1/22) _____
- 91-1 Alton Community Unit School District - Agency motion for summary judgment (1/15) _____
- 91-3 Cerro Copper Products - Agency motion for extension of time to file Record (1/28) _____
- 91-5 Marjorie B. Campbell - Agency motion to dismiss (1/22), Petitioner's response to Agency's motion to dismiss (2/4), Agency motion to strike Petitioner's response to Agency motion to dismiss (2/4)(JCM) _____
- 91-7 Land and Lakes - petition for leave for Will County to intervene (1/16), Land and Lakes objection to Will County's petition for leave to intervene (1/18), Respondent's response to petition to intervene filed by Will County (1/28)(BF) _____
- 91-7 Land and Lakes - Land and Lakes' objection to Forest Preserve District's petition to intervene (1/28), petition for leave for Forest Preserve District of Will County to intervene (2/4)(BF) _____
- 91-9 Sparkling Spring Water - Agency motion for summary judgment (2/5) _____
- R90-18 USX Corporation - Petitioner's response to November 29, 1990 Board Order (1/18)(JA) _____
- R90-25 Amendments to the Development, Operating and Reporting Requirements for Non-Hazardous Waste Landfills, 35 Ill. Adm. Code 811, Board Order (JA) _____

DISCUSSIONS:

- 89-205 Vito Zivoli (MN) _____
- * 90-199 Dept. of the Army (JA)(due 2/28) _____
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REGULATORY DISCUSSIONS:

- R87-37 PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order (JD) _____
- R89-5 Technical Standards, Proposed Rule, Second First Notice, Opinion and Order (RF) _____
- R90-9 Used and Waste Tire Regulations, Proposed Rule, Second Notice, Opinion and Order (JCM) _____
- R90-17 RCRA Delisting, Adopted Rule, Final Order, Opinion and Order (JA) _____
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AMENDED PETITIONS:

- 90-227 DMI, Inc. (filed 2/4)(BF) _____
- 90-228 City of Mt. Vernon (filed 2/25) _____
- 91-6 Quantum Chemical (filed 1/30) _____
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NEW CASES:

- 90-243 Finks and Austman v. EPA (See also Agency motion to dismiss filed 1/7; Petitioner's response to Agency motion to dismiss filed 1/15 and Agency reply to Petitioner's response to motion to dismiss filed 1/22) _____
- 91-17 BF Goodrich Corporation (Henry Facility) v. EPA (See also Petitioner's Amended Petition filed 1/28) _____
- 91-18 Illinois Central Railraod (Centralia Facility) v. EPA (BF) _____
- 91-19 People of the State of Illinois v. Sun Ag, Inc. _____
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NEW CASES: (Cont'd)

- 91-20 People of the State of Illinois v. Amoco Petroleum Additives Company_____
- 91-21 Village of Gardner v. EPA (See also Petitioner's motion for leave to file limited Exhibits)

- 91-22 City of Minonk v. EPA_____
- 91-23 Crosfield Catalysts v. EPA (Provisional Variance) (JCM)

- 91-24 Shell Oil Company v. EPA (Provisional Variance) (JCM)

- 91-25 Precision Coatings, Inc. v. EPA (Provisional Variance) (JCM)

- 91-26 Precoat Metals v. EPA (Provisional Variance) (JCM)

- 91-27 Rockford Products #2 v. EPA (Provisional Variance) (JCM)

- R91-6 PM₁₀ for Portland Cement Manufacturing and Quarries (BF)

- R91-7 RACT Deficiencies in the Chicago Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 218 (JTM)

- R91-8 RACT Deficiencies in the Metro-East Area: Amendments to 35 Ill. Adm. Code Part 215 and the Addition of Part 219 (JTM)

- R91-9 Petition of DMI, Inc. for Site-Specific Air Regulation: 35 Ill. Adm. Code 215.215

NEW AC CASES:

- 91-3 Lincoln/Logan Landfill_____

ADJUSTED STANDARDS MOTIONS:

- 90-8 Olin Corporation - Agency response to December 20, 1990 Board Order (2/4)(JA)_____

NEW ADJUSTED STANDARDS:

91-1 Petition of Keystone Steel and Wire Company for
 Hazardous Waste Delisting (See also Petitioner's letter
 of justification for Trade Secret material filed 1/22;
 Agency motion to continue Adjusted Standard Proceeding
 filed 1/30; Petitioner's response to Agency motion to
 continue filed 1/31)

MINUTES:

January 24, 1991 Board Meeting

POSSIBLE CHANGE IN MEETING DATE:

From May 23, 1991 to May 24 or to May 28, 1991 (per Mr. Dumelle's
request)

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)
 86-3 City of Oglesby CSO (JA)
 86-4 City of Morris CSO (JD)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-57) Village of Sauget (Remand)(RF)
 86-58)
 86-62) Monsanto Company (Remand)(RF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-91 American Steel Container, Drum Shop (MN)(due 3/28)
 * 87-131 Amerock Corporation (JTM)
 AS 88-2 Stepan Company (JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 * 88-78 Abbott Laboratories (JD)(open waiver)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 89-44) Moline Corporation (BF)
 89-87)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 89-179 Tony & Patricia Martin (MN)
 AC 89-215 Omer Thomas (BF)
 AC 89-258 Donald Taylor (BF)
 90-12 Hysan Corporation (MN)
 90-18 Robert Propheter (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-42 Robert Wheeler (BF)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59 Southern Pacific Railroad (RF)
 90-61 Duraco, Inc. (JCM)
 90-62 Sure-Tan, Inc. (JCM)
 90-66 Robinson Farm Service (RF)
 AC 90-79 Al Springman (JA)
 AC 90-81 George Ribble (JA)
 * 90-95 ESG Watts (JD)(due 3/28)
 90-102 State Oil Company (JTM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 90-112 Chicago Heights Refuse Depot (RF)
 * 90-122 City of Lockport (JCM)(due 5/23)
 90-135 The Grigoleit Company (BF)
 * 90-144 ESG Watts (JTM)(due 3/28)

PENDING CASES ASSIGNED: (Cont'd)

90-146 Village of Matteson (BF)
90-152 Panhandle Eastern Pipeline Company (BF)
* 90-173 Earl R. Bradd (JA)(due 4/11)
90-180 Container Corporation (JCM)
* 90-216 Clean Quality Resources (MN)(due 3/14)
90-217 Raging Rivers Park (MN)
90-218 A.B. Dick Company (RF)
* 90-224 City of Prospect Heights (RF)(due 3/28)
* 90-229 North Suburban Public Utility ((RF)(due 3/28)
90-230 F.S. Madison Service Company (JCM)
* 90-231 Frank Whitlock (JTM)(due 4/11)
* 90-239 Madison County Conservation (BF)(due 4/11)
* 91-1 Alton Community Unit School (MN)(due 4/25)
* 91-2 Olin Corporation (JCM)(due 4/25)
* 91-7 Land and Lakes (JA)(due 5/9)