

**MINUTES OF REGULAR BOARD MEETING
JULY 11, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #89-157 (A & B), Clybourn Metal Finishing Company, by a vote of 6-1. J. Anderson dissented and Messrs. R.C. Flemal and J.C. Marlin concurred. (JD)

An Opinion and Order was adopted in #90-37, Nesco Steel Barrel Company, by a vote of 7-0. J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #90-122, City of Lockport, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JCM)

An Opinion and Order was adopted in #91-19, Sun Ag, Inc., by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (JA)

An Opinion and Order was adopted in #91-59, Village of Westmont, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

In R90-9(B), Used and Waste Tire Regulations, a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JCM)

In R91-9, DMI, Inc. Site-Specific Rulemaking, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (MN)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-25, Upper Rock Island County Landfill; 91-26, Lincoln/Logan Landfill; 91-27, Lincoln/Logan Landfill.

Agency motion to dismiss was granted in #AC 88-62, City of Chicago, by a vote of 7-0. (JCM)

In #AC 89-145, Roger Miller, the Agency was ordered to either file on or before July 22, 1991, an appropriate motion to close the case or proceed to hearing as ordered, and the Hearing Officer was directed to set the matter for hearing on the merits within 30 days of July 25, 1991, and to conclude all such hearings no later than September 25, 1991 if the Agency fails to file its motion. The vote was 7-0. (JCM)

An Order requesting the Agency and the respondent to brief the questions of whether or not the administrative citation was properly served upon the respondent within 60 days as required by statute, and whether or not the Board has jurisdiction over the matter, was adopted in #AC 91-28, George Ribble, by a vote of

7-0. (JCM)

Petitioner's motion for modification or termination of an April 5, 1973 Board Order was granted in #72-326, -351, Velsicol Chemical, by a vote of 7-0. J. Dumelle concurred. (MN)

Petitioner's motions to supplement its amended petition for exception and for leave to file limited copies were granted in #86-2, City of LaSalle CSO, by a vote of 7-0. (JTM)

Complainant's motion to reconsider a May 23, 1991 Board Order was denied in #87-191, Lefton Iron & Metal, by a vote of 7-0. (JD)

Agency motion to file Recommendation Instanter was granted in #88-193, General Motors Corporation, by a vote of 7-0. (JD)

Respondent's motion for extension of time in which to comply with a May 9, 1991 Board Order was granted until September 30, 1991 in #89-169, John and Jean Zarlenga, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's request to supplement the record in #89-177, CWM Chemical Services, was denied with the exception of the August 25, 1989 addenda and errata sheet. (JTM)

Petitioner's motion to withdraw was granted in #91-61, Big River Zinc, by a vote of 7-0. (JA)

Agency motions to exclude Exhibit F of Petitioner's Petition for Review and motion to file Record Instanter were granted in #91-84, Indian Refining, by a vote of 7-0. (MN)

By a vote of 7-0, Respondent's motion regarding costs was dismissed and St. Clair County Board's motion to waive the mandatory triplicate filing of certain exhibits was granted in #91-89, -90, The YMCA of Southwest Illinois, by a vote of 7-0. (JD)

Agency motion to file Record Instanter was granted in #91-95, Staunton Landfill, by a vote of 7-0. (JCM)

By a vote of 7-0, the Agency was directed to file no later than July 22, 1991, an affidavit stating with as much specificity as possible the date its permit decision was mailed in #91-100, Pierce and Stevens. (MN)

Petitioner's motion to dismiss was granted in R90-22, Keystone Steel and Wire, by a vote of 7-0. (JA)

Agency motion for reconsideration was granted and, upon reconsideration, the Board declined to modify its April 25, 1991 Board Order in #91-4, Sexton Environmental Systems, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and R.C. Flemal

dissented. (JA)

These cases were discussed and held to July 25, 1991 for further discussion or possible decision: #85-140, Citizens Utilities; 88-25, Modine Manufacturing; 88-78, Abbott Laboratories; 88-193, General Motors; 90-102, State Oil Company; 91-33, Village of Milan; 91-58, City of St. Charles.

These regulatory matters were discussed and held to July 25, 1991 for further discussion or possible decision: R89-14(B), Groundwater Quality Standards, Proposed Rule, Second Notice, Proposed Opinion and Order; R90-20, Diesel Vehicle Exhaust Opacity Limits, Proposed Rule, First Notice, Opinion and Order.

By a vote of 7-0, amended petition #91-80, Paul Rosman, was accepted for hearing. (JCM)

In new cases these actions were taken by a vote of 7-0: #91-104, Village of Fox River Grove v. EPA, additional information requested, **Order by B. Forcade**; 91-105, National Steel Corporation, Granite City Division v. EPA, accepted for hearing, **Order by B. Forcade**; 91-106, Richard Worthen, Clarence Bohm, Harry Parker et al. v. Village of Roxana and Laidlaw Waste Systems (Madison), Inc., accepted for hearing, **Order by B. Forcade**; 91-107, Village of Oak Brook v. EPA, held for Agency Recommendation and Petitioner's request to incorporate the record of a prior proceeding was denied, but the Board will incorporate by reference prior Board Opinions and Orders, **Order by R.C. Flemal**; 91-108, Israel-Gerold's, First Illinois Bank and Trust, a/k/a LaGrange State Bank as Trustee under Trust No. 1130 and Learsy and Company, Inc. v. EPA, accepted for hearing and Petitioner's motion for stay granted through October 15, 1991, **Order of the Board by J.C. Marlin**; 91-109, North Suburban Development Corporation v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 91-110, Indian Refining Limited Partnership v. EPA, parties directed to address the issue of timeliness of the filing of this petition by filing simultaneous responses to be received by the Board no later than 4:30 p.m. on July 22, 1991, **Order by M. Nardulli**; 91-111, Village of Oswego v. EPA, held for Agency Recommendation; 91-112, Williamson Adhesives, Inc. v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 91-113, Department of the Army (Rock Island District) v. EPA, additional information requested, **Order by B. Forcade**; 91-114, City of Fairbury v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, **Order by J.C. Marlin**; 91-115, General Electric Company v. EPA, provisional variance granted, **Order by J.C. Marlin**; 91-116, Mobil Chemical Company v. EPA, provisional variance granted, **Order by J.C. Marlin**; 91-117, Greater Rockford Airport Authority v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, **Order by J.C. Marlin**; 91-118, City of Braidwood v. EPA, additional information requested, **Order by J.C. Marlin**; 91-119, White County Board v. EPA, additional

information requested, Order by J.C. Marlin; R91-13, RCRA Update, USEPA Regulations (January 1, 1991 through June 30, 1991), Docket Reserved; R91-14, UST Update, USEPA Regulations (January 1, 1991 through June 30, 1991), Docket Reserved; R91-15, SDWA Update, USEPA Regulations (February 1, 1991 through June 30, 1991), Docket Reserved; R91-16, UIC Update, USEPA Regulations (January 1, 1991 through June 30, 1991), Docket Reserved; R91-17, Pretreatment Regulations (January 1, 1991 through June 30, 1991), Docket Reserved.

These Administrative Citations were received by the Board: #91-29, Browning Ferris; 91-30, Lincoln/Logan Landfill; 91-31, Randall Loveless; 91-32, Rochelle Disposal Services, Inc.; 91-33, Thomas Hubbard; 91-34, William S. Popejoy, Sr.; 91-35, Arthur Gale; 91036, James Qualls.

Petitioner's motion to withdraw was granted in #AS 90-7, Quantum Chemical, by a vote of 7-0. (BF)

An Order accepting Petitioner's additional filings as adequate for protection of trade secret materials and accepting the matter for hearing was adopted in #AS 91-3, Petition of Peoria Disposal Company, by a vote of 7-0. (JD)

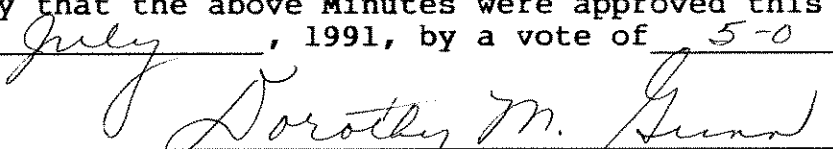
Petitioner's motion to remove record excerpts from a previous adjusted standard was granted in #AS 91-5, Elizabeth Street Foundry, by a vote of 7-0. (JCM)

Minutes of the June 20, 1991 Board Meeting were approved by a vote of 7-0.

Minutes of the June 27, 1991 Special Board Meeting were approved by a vote of 4-0. Messrs. B. Forcade, R.C. Flemal and J.C. Marlin abstained.

All other matters not disposed of as listed were ordered held to July 25, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 25th day of July, 1991, by a vote of 5-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 11, 1991 CHICAGO, ILLINOIS
POLLUTION CONTROL BOARD CONFERENCE ROOM
10:30 A.M.

ADDENDUM

NEW CASES:

91-119 White County Board v. EPA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 11, 1991 CHICAGO, ILLINOIS
POLLUTION CONTROL BOARD CONFERENCE ROOM
10:30 A.M.

DECISIONS:

- 89-157 Clybourn Metal Finishing Company (JD)
(A) _____
- 90-37 People of the State of Illinois v. Nesco Steel Barrel
Company (MN) (Stip) _____
- * 90-122 City of Lockport (JCM)(due 8/22)

- 91-19 People of the State of Illinois v. Sun Ag, Inc. (JA)
(Stip) _____
- * 91-59 Village of Westmont (MN)(due 7/25)

- R90-9 Used and Waste Tire Regulations, Proposed Rules, First
(B) Notice, Opinion and Order (JCM)

- R91-1 RCRA Update (July 1, 1990 through December 31, 1990),
Adopted Rule, Final Order (JA)

- R91-2 UST Update (July 1, 1990 through December 31, 1990),
Adopted Rule, Final Order (JA)

- R91-9 DMI, Inc. Site-Specific Rulemaking, Proposed Rule, First
Notice, Opinion and Order (MN)

AC DECISIONS:

- 91-25 Upper Rock Island County Landfill _____

AC DECISIONS: (Cont'd)

91-26 Lincoln/Logan Landfill _____
91-27 Lincoln/Logan Landfill _____

AC MOTIONS:

88-62 City of Chicago - Agency motion to dismiss (7/2)(JCM)

89-145 Roger Miller - Board Order (JCM)

91-28 George Ribble - Dismissal Order (JCM)

MOTIONS:

72-326) Velsicol Chemical - Petitioner's motion for modification
72-351) or termination of April 5, 1973 Board Order (5/29)(MN)

86-2 City of LaSalle CSO - Petitioner's motion to supplement
amended petition for exception and for leave to file
limited copies (6/11)(JTM) _____
87-191 Lefton Iron & Metal - Complainant's motion to reconsider
May 23, 1991 Board Order (6/5), Counterclaimant's
response to motion to reconsider May 23, 1991 Board
Order (6/17)(JD)

88-193 General Motors Corporation - Agency motion to file
Recommendation Instanter (7/5)(JD)

89-169 John and Jean Zarlenga - Respondents' motion for
extension of time in which to comply with May 9, 1991
Board Order (6/28)(JA)

MOTIONS: (Cont'd)

- 89-177 CWM Chemical Services - Petitioner's supplement to the administrative record (6/3), Agency's objection to Petitioner's supplement to the administrative record (6/11), Petitioner's response to Agency's objection to Petitioner's supplement to the administrative record (6/17)(JTM)
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- 90-114 National Steel - Agency motion to consolidate cases
91-105 (7/5)
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- 90-135 The Grigoleit Company - Agency motion to file Record Instanter (7/1)(BF)
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- 90-173 Earl R. Bradd - Petitioner's motion to reconsider and vacate May 9, 1991 Opinion and Order (6/13)(JA)
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- 91-4 Sexton Environmental Systems - Agency motion for reconsideration of April 25, 1991 Board Order (5/30), Petitioner's response to Agency's motion for reconsideration (6/12)(JA)
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- 91-61 Big River Zinc - Petitioner's motion to withdraw (6/28)
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- 91-72 Clean Quality Resources - Petitioner's objection to supplemental proceedings (7/5)(MN)
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- 91-84 Indian Head Refining - Agency motion to exclude Exhibit F of petitioner's petition for review of permit conditions (6/24), Agency motion to file Record Instanter (6/25), Petitioners' response in opposition to Agency motion to exclude (7/1)
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- 91-89) Laidlaw Waste Systems - Respondents' motion regarding
91-90) costs (6/12), Petitioner's response to Respondents' motion regarding costs (6/17), Memorandum in Support of Respondents' motion to have Petitioner pay costs of preparing and certifying the record of proceedings (6/18), motion to waive triplicate filing (6/27), response to June 6, 1991 Board Order (6/28)(JD)
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- 91-94 Safety-Kleen - Petitioner's motion to amend appeal of conditions (7/1)
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- 91-95 Staunton Landfill - Agency motion to file Record Instanter (7/2)
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MOTIONS: (Cont'd)

- 91-100 Pierce & Stevens - joint statement of timeliness of filing in response to June 27, 1991 Board Order (7/8) (MN) _____
- R88-8 Census of Section 21(d) Facilities - motion to dismiss by Illinois Environmental Regulatory Group (3/29), Agency response to Illinois Environmental Regulatory Group's motion to dismiss (4/9), DENR's comments in response to May 9, 1991 Board Order and IERG's motion to dismiss (6/3); Waste Management of Illinois' response to IERG's motion to dismiss (6/13); IERG's reply to Waste Management of Illinois' response to IERG's motion to dismiss (6/28), Waste Management of Illinois' supplemental comments in response to IERG's motion to dismiss (7/3)(JA) _____
- R90-22 Keystone Steel and Wire - Petitioner's motion to dismiss (7/3)(JA) _____

DISCUSSIONS:

- 85-140 Citizens Utilities (MN) _____
- * 88-25 Modine Manufacturing (JA)(open waiver) _____
- * 88-78 Abbott Laboratories (JD)(open waiver) _____
- * 88-193 General Motors (JD)(open waiver) _____
- 90-102 State Oil Company (JTM) _____
- * 91-33 Village of Milan (JCM)(due 7/25) _____
- * 91-58 City of St. Charles (RCF)(due 7/25) _____

REGULATORY DISCUSSIONS:

- R89-14 Groundwater Quality Standards, Proposed Rule, Second (B) Notice, Opinion and Order (RCF) _____
- R90-20 Diesel Vehicle Exhaust Opacity Limits, Proposed Rule, First Notice, Opinion and Order (JD) _____

AMENDED PETITIONS:

91-80 Paul Rosman (filed 7/3)(JCM)_____

NEW CASES:

91-104 Village of Fox River Grove v. EPA

91-105 National Steel Corporation, Granite City Division v. EPA

91-106 Richard Worthen, Clarence Bohm, Harry Parker et al. v. Village of Roxana and Laidlaw Waste Systems (Madison), Inc. _____

91-107 Village of Oak Brook v. EPA

91-108 Israel-Gerold's, First Illinois Bank and Trust, a/k/a LaGrange State Bank as Trustee under Trust No. 1130 and Learsi and Company, Inc. v. EPA (See also Petitioners' Motion to Stay filed 6/24 and Agency response filed 7/2)(JCM)_____

91-109 North Suburban Development Corporation v. EPA

91-110 Indian Refining Limited Partnership v. EPA (MN)

91-111 Village of Oswego v. EPA _____

91-112 Williamson Adhesives, Inc. v. EPA

91-113 Department of the Army (Rock Island District) v. EPA

91-114 City of Fairbury v. EPA (Provisional Variance)(JCM)

91-115 General Electric Company v. EPA (Provisional Variance) (JCM) _____

91-116 Mobil Chemical Company v. EPA (Provisional Variance) (JCM) _____

91-117 Greater Rockford Airport Authority v. EPA (Provisional Variance)(JCM) _____

91-118 City of Braidwood v. EPA _____

NEW CASES: (Cont'd)

- R91-13 RCRA Update, USEPA Regulations (January 1, 1991 through June 30, 1991) RESERVED
- R91-14 UST Update, USEPA Regulations (January 1, 1991 through June 30, 1991) RESERVED
- R91-15 SDWA Update, USEPA Regulations (February 1, 1991 through June 30, 1991) RESERVED
- R91-16 UIC Update, USEPA Regulations (January 1, 1991 through June 30, 1991) RESERVED
- R91-17 Pretreatment Regulations (January 1, 1991 through June 30, 1991) RESERVED
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NEW AC CASES:

- 91-29 Browning Ferris Industries _____
- 91-30 Lincoln/Logan Landfill _____
- 91-31 Randall Loveless _____
- 91-32 Rochelle Disposal Services, Inc. _____
- 91-33 Thomas Hubbard _____
- 91-34 William S. Popejoy, Sr. _____
- 91-35 Arthur Gale _____
- 91-36 James Qualls _____
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ADJUSTED STANDARDS MOTIONS:

- 90-7 Petition of Quantum Chemical - Petitioner's motion to withdraw (7/5)(BF) _____
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AMENDED ADJUSTED STANDARDS:

- 91-4 Amoco Oil Company (filed 7/5) _____

NEW ADJUSTED STANDARDS:

- 91-3 Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D (See also Petitioner's Trade Secret Claim Letter for Appendix G of Petition; request for hearing by Steve Rone filed 5/13; and Petitioner's response to April 25, 1991 Board Order filed 5/15)(JD)_____
- 91-5 Petition of Elizabeth Street Foundry, Inc. (See also Petitioner's motion to remove record excerpts filed 6/14)_____
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MINUTES:

- June 20, 1991_____
- June 27, 1991 (Special Board Meeting)_____

PENDING CASES ASSIGNED:

85-95 Citizens Utilities (Remand)(JA)
 * 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)(RCF)
 86-58)
 86-62) Monsanto Company (Remand)(RCF)
 86-63)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-132 City of Chicago (RCF)
 AS 88-2 Stepan Company (JCM)
 AC 88-62 City of Chicago (JCM)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 AC 89-72(B) City of West Frankfort (JCM)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-158 Gilbertson Clybourn (BF)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 AC 90-36(B) ESG Watts, Inc. (JCM)
 AC 90-38(B) Harold Fults (JD)
 AC 90-56(B) Steve Gilbert (JCM)
 90-59 Michael L. Christianson (MN)
 90-61 Duraco, Inc. (JCM)
 AC 90-64 Louis Mund (BF)
 AC 90-65 Arthur Fields (BF)
 AC 90-66 Sandra L. Petroff (BF)
 AC 90-67 Timothy E. Doctor (BF)
 90-112 Chicago Heights Refuse Depot (RCF)
 90-124 Rock Valley Oil Company (JCM)
 90-135 The Grigoleit Company (BF)
 90-146 Village of Matteson (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 90-242 Ensign Bickford Company (JD)(due 8/22)
 * 91-2 Olin Corporation (JTM)(due 9/12)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-7 Land and Lakes (JA)(due 12/19)
 * 91-12 Zeigler Coal (JD)(due 8/22)
 * 91-32 Village of Carbon Hill (MN)(due 8/22)
 * 91-66 Village of Bensenville (JTM)(due 8/8)
 * 91-72 Clean Quality Resources (MN)(due 8/22)
 * 91-88 County of Lake (RCF)(due 9/26)
 * 91-89) Citizens for Controlled Landfills (JD)
 91-90)