

**MINUTES OF REGULAR BOARD MEETING  
AUGUST 8, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AC 89-72(B), City of West Frankfort, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #AC 90-36(B), ESG Watts, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-61, Duraco, Inc., by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (JCM)

An Opinion and Order was adopted in #90-152, Panhandle Eastern Pipeline Company, by a vote of 6-1. J. Theodore Meyer dissented and J. Dumelle concurred. (BF)

An Opinion and Order was adopted in #91-66, Village of Bensenville, by a vote of 6-1. B. Forcade dissented and J. Dumelle concurred. (JTM)

In R89-7(B), Repeal of NESHAPS, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JD)

In R90-9(B), Used and Waste Tire Regulations, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JCM)

In R90-11, RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), a correction Order was adopted by a vote of 7-0. (JA)

In R91-1, RCRA Update, USEPA Regulations (July 1, 1990 through December 31, 1990), an Adopted Rule, Final Order was adopted by a vote of 7-0. B. Forcade concurred. (JA)

In R91-11, Zinc Refining and Smelting Wastes, a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. B. Forcade concurred. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #91-29, Browning Ferris Industries; 91-30, Lincoln/Logan Landfill; 91-33, Thomas Hubbard.

Agency motion to amend the Administrative Citation was granted in #90-26(Docket A & B), ESG Watts, by a vote of 7-0. (JCM)

Agency motion to withdraw the Administrative Citation was granted in #91-28, George Ribble, by a vote of 7-0. J. Anderson and J. Dumelle concurred. (BF)

Joint motion for continuance was denied in #88-175, Jefferson Smurfit, by a vote of 7-0. (BF)

Petitioner's motion for extension of time to respond to a July 25, 1991 Board Order was granted until August 20, 1991 in #90-135, The Grigoleit Company, by a vote of 7-0. (BF)

By a vote of 7-0, Complainant's petition for additional interim relief was denied and Respondent, World Music Theatre, was allowed until August 20, 1991 to provide the material required in the Board's July 25, 1991 Order in #90-146, Village of Matteson. (BF)

Petitioner's motion to withdraw was granted in #91-100, Pierce & Stevens, by a vote of 7-0. (BF)

By a vote of 7-0, Petitioner's request for expedited decision and Agency motion to file Recommendation Instanter were granted and because an objection was received, a hearing will be set in #91-104, Village of Fox River Grove. (JD)

Agency motion to file Recommendation Instanter was granted in #91-107, Village of Oak Brook, by a vote of 7-0. J. Dumelle concurred. (MN)

Agency motion to file Record Instanter was granted in #91-120, Beer Motors, by a vote of 7-0. J. Dumelle concurred. (JA)

These cases were discussed and held to August 22, 1991 for further discussion or possible decision: ##85-140, Citizens Utilities Company; AC 90-64(A & B), Louis Mund; AC 90-65(A & B), Arthur Fields; AC 90-66(A & B), Sandra Petroff; AC 90-67(A & B), Timothy Doctor; 90-102, State Oil Company; 90-112, Chicago Heights Refuse Depot; 90-242, Ensign Bickford Company; 91-7, Land and Lakes; 91-12, Zeigler Coal; 91-32, Village of Carbon Hill; 91-72, Clean Quality Resources.

These regulatory matters was discussed and held to August 22, 1991 for further discussion or possible decision: R90-1, Toxic Air Contaminants List, Proposed Rule, Second First Notice, Opinion and Order; R91-6, PM<sub>10</sub> Portland Cement and Quarries, Proposed Rule, Second Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: #91-128, Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard, held for duplicitous/frivolous determination; 91-129, People of the State of Illinois v. City of Bloomington, hearing

mandatory; 91-130, Edgewood Bank Trust No. 389 (Vernon F. La Chappelle, Designee) as owner and operator of Scotty's Incorporated v. EPA, remanded to Agency and docket closed, Order by B. Forcade; 91-131, Salvation Army v. EPA, accepted for hearing, Order by B. Forcade; 91-132, Quantum Chemical Corporation, USI Division v. EPA, accepted for hearing and the Board, on its own motion, granted Mr. David Copeland permission to practice pro hac vice, Order by B. Forcade; 91-133, Lawrence Cadillac v. EPA, accepted for hearing, Order by B. Forcade; 91-134, Safety-Kleen Corporation v. EPA, accepted for hearing, Order by B. Forcade; 91-135, Village of Bloomingdale, held for Agency Recommendation.

Because a Petition for Review was received, this Administrative Citation will be set for hearing: #91-32, Rochelle Disposal Service.

Minutes of the July 25, 1991 Board Meeting were approved by a vote of 5-0. Messrs. B. Forcade and J.C. Marlin abstained.

All other matters not disposed of as listed were ordered held to August 22, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 22<sup>nd</sup> day of August, 1991, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
AUGUST 8, 1991 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- \* 88-78 Abbott Laboratories (JD)(open waiver)  
\_\_\_\_\_  
AC 89-72 City of West Frankfort (JCM)  
\_\_\_\_\_  
AC 90-36 ESG Watts (JCM) \_\_\_\_\_  
(B)  
90-61 Duraco, Inc. (JCM) (Stip) \_\_\_\_\_  
90-152 People of the State of Illinois v. Panhandle Eastern  
Pipeline Company (BF) (Stip)  
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\* 91-66 Village of Bensenville (JTM)(due)  
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R89-7(B) Repeal of NESHAPS, Adopted Rule, Final Order, Opinion  
and Order (JD) \_\_\_\_\_  
R90-9(B) Used and Waste Tire Regulations, Proposed Rule, First  
Notice, Opinion and Order (JCM)  
\_\_\_\_\_  
R90-11 RCRA Update, USEPA Regulations (April 1, 1990 through  
June 30, 1990), Correction Order (JA)  
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R91-1 RCRA Update (July 1, 1990 through December 31, 1990),  
Adopted Rule, Final Order (JA)  
\_\_\_\_\_  
R91-11 Zinc Refining and Smelting Wastes, Proposed Rule,  
Dismissal Order (JA)  
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\* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

- 91-29 Browning Ferris Industries \_\_\_\_\_
- 91-30 Lincoln/Logan Landfill \_\_\_\_\_
- 91-33 Thomas Hubbard \_\_\_\_\_
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AC MOTIONS:

- 90-26 ESG Watts - Agency motion to amend Administrative Citation (7/30), Respondent's response to Agency motion to amend Administrative Citation (7/31)(JCM) \_\_\_\_\_
- 91-28 George Ribble - Agency motion to withdraw Administrative Citation (8/2)(BF) \_\_\_\_\_
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MOTIONS:

- 88-175 Jefferson Smurfit - joint motion for continuance of hearing (7/18)(BF) \_\_\_\_\_
- 90-135 The Grigoleit Company - Petitioner's motion for extension of time to respond to July 25, 1991 Board Order (8/6)(BF) \_\_\_\_\_
- 90-146 Village of Matteson - Complainant's petition for additional interim relief (7/22), Respondents opposition to Complainant's petition for additional interim relief (7/29)(BF) \_\_\_\_\_
- 91-100 Pierce & Stevens - Petitioner's withdrawal of permit appeal (8/1)(BF) \_\_\_\_\_
- 91-104 Village of Fox River Grove - Petitioner's request for expedited decision (7/25), Agency motion to file Recommendation Instanter (7/31), Petitioner's request for expedited decision on amended petition (8/1), Objection by Belinda Staurowsky (8/5)(JA) \_\_\_\_\_
- 91-107 Village of Oak Brook - Agency motion to file Recommendation Instanter (7/25)(MN) \_\_\_\_\_
- 91-112 Williamson Adhesives - Agency motion for summary judgement (7/23) \_\_\_\_\_

MOTIONS: (Cont'd)

- 91-118 City of Braidwood - Agency motion to dismiss (7/25)
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- 91-120 Beer Motors - Agency motion to file Record Instanter (8/5)
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- 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)
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DISCUSSIONS:

- 85-140 Citizens Utilities Company (MN)
- AC 90-64 Louis Mund (BF)  
(A & B)
- AC 90-65 Arthur Fields (BF)  
(A & B)
- AC 90-66 Sandra Petroff (BF)  
(A & B)
- AC 90-67 Timothy Doctor (BF)  
(A & B)
- 90-102 State Oil Company (JTM)
- 90-112 Chicago Heights Refuse Depot (RCF)
- \* 90-242 Ensign Bickford Company (JD)(due 8/22)
- \* 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)
- \* 91-72 Clean Quality Resources (MN)(due 8/22)

REGULATORY DISCUSSIONS:

R90-1 Toxic Air Contaminants List, Proposed Rule, Second First Notice, Opinion and Order (JCM) \_\_\_\_\_

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NEW CASES:

91-128 Oather Druen, Evelyn Druen, and Amy Pirtle v. James Leonard (See also Respondent's motion to dismiss formal complaint filed 7/31) \_\_\_\_\_

91-129 People of the State of Illinois v. City of Bloomington \_\_\_\_\_

91-130 Edgewood Bank Trust No. 389 (Vernon F. La Chappelle, Designee) as owner and operator of Scotty's Incorporated v. EPA (BF) \_\_\_\_\_

91-131 Salvation Army v. EPA (BF) \_\_\_\_\_

91-132 Quantum Chemical Corporation, USI Division v. EPA (BF) \_\_\_\_\_

91-133 Lawrence Cadillac v. EPA (BF) \_\_\_\_\_

91-134 Safety-Kleen Corporation v. EPA (BF) \_\_\_\_\_

91-135 Village of Bloomingdale v. EPA \_\_\_\_\_

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NEW AC CASES:

91-37 AND ANY OTHERS FILED THEREAFTER \_\_\_\_\_

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AC APPEALS:

91-32 Rochelle Disposal Service \_\_\_\_\_

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NEW ADJUSTED STANDARDS:

91-6 Dart Container Corporation of Illinois (See also Agency motion to dismiss filed 8/6) \_\_\_\_\_

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MINUTES:

July 25, 1991 \_\_\_\_\_



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)  
 \* 88-193 General Motors Corporation (JD)(open waiver)  
 \* 88-195 McLean County Disposal (JTM)(open waiver)  
 AC 89-72(B) City of West Frankfort (JCM)  
 89-94 Reichhold Chemicals (Remand)(BF)  
 \* 89-106 D & B Refuse Service (MN)(due 10/24)  
 89-157(B) Clybourn Metal Finishing Company (JD)  
 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 90-38(B) Harold Fults (JD)  
 90-59 Michael L. Christianson (MN)  
 90-60 Allied Hastings Barrel & Drum Company (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)  
 AC 90-91 Bernard Leitschuh (BF)  
 90-124 Rock Valley Oil Company (JCM)  
 90-135 The Grigoleit Company (BF)  
 90-140 G & K Investments (BF)  
 90-146 Village of Matteson (BF)  
 90-148 B & M Steel Service Center (MN)  
 90-149 Straders Logging and Lumber Mill (MN)  
 \* 91-2 Olin Corporation (JTM)(due 9/12)  
 AS 91-1 Keystone Steel & Wire (JA)  
 AS 91-3 Peoria Disposal Company (JD)  
 91-42 Village of Millstadt (JCM)  
 91-78 Sure Plus Manufacturing Company (JA)  
 91-79 Torvac, Inc. (RCF)  
 \* 91-88 County of Lake (RCF)(due 9/26)  
 \* 91-89) Citizens for Controlled Landfills (JD)(due 9/26)  
 91-90)  
 \* 91-96 The Ensign Bickford Company (JD)(due 10/10)

PENDING CASES ASSIGNED: (Cont'd)

- \* 91-104 Village of Fox River Grove (JD)(due 11/7)
- \* 91-106 Village of Roxana (JTM)(due 10/10)
- \* 91-107 Village of Oak Brook (MN)(due 10/10)
- \* 91-111 Village of Oswego (JCM)(due 10/24)
- \* 91-121 Village of Channahon (JA)(due 11/7)