

**MINUTES OF REGULAR BOARD MEETING  
APRIL 12, 1990 CHICAGO, ILLINOIS**

**A.M. SESSION**

All Board Members were present.

An Opinion and Order was adopted in #89-53, Lefton Iron & Metal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #89-188, City of East Moline, by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred. (JTM)

In R87-6, Phosphorus Effluent Standards, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-1. B. Forcade dissented. (JA)

In R89-12, Pretreatment, USEPA Regulations (January 1, 1989 through June 30, 1989), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-17(A & B), California Motor Vehicle Standards, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R90-2, RCRA Update, USEPA Regulations (July 1, 1989 through December 31, 1989), a Proposal for Public Comment, Proposed 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: ##90-18, Roger Stunkel; 90-19, Ray Arthur.

By a vote of 7-0, the Agency was ordered to file, by April 23, 1990, its response to Respondent's motion for reconsideration of a July 27, 1989 Default Order in #AC 89-120, William White. (JM)

By a vote of 7-0, a Default Order was adopted in #89-162, Land and Lakes. (JM)

By a vote of 7-0, the Agency was ordered to file, by April 23, 1990, its response to Respondent's motion for reconsideration of a September 13, 1989 Default Order in #AC 89-170, Donald and Catherine Bouthot. (JM)

By a vote of 7-0, Respondent's motion to dismiss its Petition for Review was granted and unless already paid, Respondent was ordered to pay, within 30 days of the date of the entry of this Order, a \$500.00 penalty in #AC 89-175, Stryker International. (JM)

Agency motion to withdraw the complaint and dismiss the action was granted, and in addition, Respondent's motion to withdraw its Petition for Review was also granted in #AC 89-191, Adolph Lo, by a vote of 7-0. (RF)

By a vote of 7-0, the Board on its own motion adopted a Default Order in #AC 89-196, Wayne Molen. (JM)

Agency motion to withdraw the complaint and dismiss the action in #AC 89-299, City of Streator, was granted by a vote of 7-0. (JM)

By a vote of 7-0, Respondent's motion for reconsideration of a February 22, 1990 Default Order was granted and upon reconsideration the Board vacated its February 22, 1990 Order and directed the Clerk to set a hearing in #AC 90-7, Roger Smith. (JM)

By a vote of 7-0, Complainant's motion for withdrawal of the Administrative Citation was granted and Respondent's Petition for Review was dismissed as moot in #AC 90-16, Frank Edwards. (JM)

By a vote of 7-0, Respondents Moss-American and Kerr-McGee Chemical's motion for leave to exceed page limitation was granted in #87-191, Lefton Iron & Metal. (JD)

An Order advising the Petitioner that its petition for modification of an April 27, 1989 Board Order in #88-180, City of Ottawa, will be treated as a new petition for variance upon receipt of its amended petition along with the statutory filing fee, was adopted by a vote of 7-0. (MN)

An Order was adopted pursuant to Respondent's motion to dismiss in #89-19, Daniel and Helen Lorden, by a vote of 7-0. (JM)

Petitioner's motion for withdrawal of appeal in #89-118, Highland Supply Corporation, was granted by a vote of 7-0. (BF)

Agency motion to file Instanter its Recommendation in #89-212, City of Braidwood, was granted by a vote of 7-0. (JM)

Agency motion to dismiss was denied in #90-27, Shell Oil Company, by a vote of 7-0. (RF)

Agency motion to dismiss petition for variance was denied in #90-28, USS Steel, by a vote of 7-0. (RF)

Agency motion to dismiss variance petition was denied in #90-29, Laclede Steel Company, by a vote of 7-0. (RF)

Agency motion to dismiss variance petition was denied in #90-30, Granite City Steel, by a vote of 7-0. (RF)

Agency motion to file Instantly its Permit Record in #90-32, Multi-County Landfill, was granted by a vote of 7-0. (BF)

Agency motion to dismiss was granted in #90-33, National Steel, by a vote of 7-0. (JM)

By a vote of 7-0, the Agency was ordered to file, by 4:30 p.m., April 24, 1990, its response to Respondent's motion to strike Counts I and IV of the complaint in #90-37, Nesco Steel Barrel. Also, the Complainant was granted leave to file a response to the Agency's response. (JM)

An Order directing the Hearing Officer to order the parties to submit status reports to the Board as well as to the Hearing Officer periodically with the next report to be received no later than June 4, 1990, was adopted in #AS 88-2, Stepan Company, by a vote of 7-0. (JM)

Agency motion to dismiss petition was denied in #AS 90-2, Shell Oil Company, by a vote of 7-0. (RF)

Agency motion to dismiss petition was granted in #AS 90-3, Laclede Steel Company, by a vote of 6-1. J. Dumelle dissented. (RF)

Agency motion to dismiss petition was denied in #AS 90-4, Granite City Steel, by a vote of 7-0. (RF)

An agreed motion for extension of time to file response to petition was granted until August 6, 1990 in #AS 90-5, R. Lavin & Sons, by a vote of 7-0. (RF)

This regulatory matter was discussed and held to April 26, 1990 for further discussion or possible decision: R88-21(B), Water Toxics, Proposed Rule, Second Notice, Opinion and Order.

By a vote of 7-0, the Agency was ordered to file, by April 24, 1990, its response to Petitioner's motion for extension of variance in #88-69, Scott Air Force Base. (JD)

By a vote of 7-0, Respondent's motion to vacate a March 22, 1990 Default Order was denied and the Hearing Officer was directed to proceed to hearing to take evidence on the relief requested by the Complainant in #89-61, Thomas Fredette. (JM)

These cases were discussed and held to April 26, 1990 for further discussion or possible decision: ##88-71, Allen Barry; AC 89-109 (A & B), Fairview Heights; 89-140, City of Minonk; 89-170, Centralia Environmental Services; 89-187, UNR-ROHN and Robert Penn; 89-190, Ravenswood Hospital; 89-210, Metro Utility Company; 90-3, Calvary Temple Church; 90-23, Village of Mundelein.

By a vote of 7-0, an Order was adopted regarding the stipulated penalty to be paid in #88-199, Seegers Grain. (JM)

An Order advising the Petitioner that its filings of April 2 and 6, 1990 have been construed by the Board to be amended petitions which restart the Board's decision deadline, that the Board will attempt to accommodate its request for expedited consideration and decision consistent with the Board's available resources and decision deadlines in other matters, and that any Board action must be deferred until the Agency Recommendation is received in #89-183, City of Batavia, was adopted by a vote of 7-0. B. Forcade concurred. (JM)

In new cases these actions were taken by a vote of 7-0: ##90-41, Village of Elburn v. EPA, held for an Agency Recommendation; 90-42, Stepan Company v. EPA, accepted for hearing, Order by B. Forcade; 90-43, Town of Cortland v. EPA, held for an Agency Recommendation; 90-44, Monsanto Company v. EPA, accepted for hearing, Order by B. Forcade; 90-45, Minnesota Mining and Manufacturing Company v. EPA, accepted for hearing, Order by B. Forcade; 90-46, Rockford Drop Forge Company v. EPA, accepted for hearing, Order by B. Forcade; 90-47, Darrell Williams v. Shell Oil Company (Wood River), held for Duplicitous/Frivolous Determination; 90-49, Barber-Coleman Company v. EPA, Provisional Variance granted, Order by J. Marlin; 90-50, E.D. Etnyre and Company v. EPA, Provisional Variance granted, Order by J. Marlin; R90-9, Used and Waste Tire Regulations, Part 848, Proposal accepted for hearing with directions to Hearing Officer, Order by J. Marlin; R90-10, RCRA, Toxicity Characteristic Leaching Procedures (TCLP), Docket Reserved by J. Anderson.

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##90-23, Steve Zimmerman and Waste Limited; 90-24, Steve Zimmerman and Waste Limited.

These Administrative Citations were received by the Board: ##90-23, Steve Zimmerman and Waste Limited (See also AC Appeals); 90-24, Steve Zimmerman and Waste Limited (See also AC Appeals); 90-25, Robert L. Ellis; 90-26, ESG Watts, Inc.; 90-27, Johnson Blackwell; 90-28, Arthur Miller; 90-29, Harold Lowry; 90-30, Morgan Manufacturing Company.

Minutes of these Board Meeting dates were approved by a vote of 7-0: March 22, 1990; March 27, 1990 (Special Board Meeting); April 9, 1990 (Special Board Meeting).

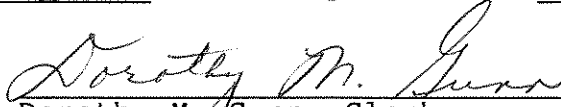
By a vote of 7-0, this new case was accepted for hearing: #90-51, LTV Steel Company v. EPA. (BF)(Thereafter the meeting was recessed until 1:45 p.m.)

P.M. SESSION

By a vote of 7-0, a Provisional Variance was granted in new case #90-48, City of Wenona v. EPA. Messrs. B. Forcade and R. Flemal concurred. (JM)

All other matters not disposed of as listed were ordered held to April 26, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 26<sup>th</sup> day of April, 1990, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 12, 1990 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- AC 89-18 J & R Landfill (RF) \_\_\_\_\_  
(A & B)
- 89-53 Lefton Iron & Metal (MN) \_\_\_\_\_
- \* 89-188 City of East Moline (JTM)(due 4/26) \_\_\_\_\_
- R87-6 Phosphorus Effluent Standards, Adopted Rule, Final  
Order, Opinion and Order (JA) \_\_\_\_\_
- R89-12 Pretreatment, USEPA Regulations (January 1, 1989 through  
June 30, 1989), Adopted Rule, Final Order (JA)  
\_\_\_\_\_
- R89-17 California Motor Vehicle Standards, Proposed Rule, First  
Notice, Opinion and Order (JTM) \_\_\_\_\_
- R89-19 UST State Fund Regulatory Mandate, Adopted Rule, Final  
Order (JA) \_\_\_\_\_
- R90-2 RCRA Update, USEPA Regulations (July 1, 1989 through  
December 31, 1989), Proposal for Public Comment,  
Proposed Opinion and Order (JA)  
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AC DECISIONS:

- 90-18 Roger Stunkel \_\_\_\_\_
- 90-19 Ray Arthur \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 89-120 William A. White - Respondent's motion for reconsideration of July 27, 1989 Default Order (4/2)(JM)  
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- 89-162 Land & Lakes - Board Order (JM)  
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- 89-170 Donald & Catherine Bouthot - Respondents motion for reconsideration of September 13, 1989 Default Order (4/2)(JM)  
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- 89-175 Stryker International - Respondent's motion to dismiss Petition for Review 3/16)(JM)  
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- 89-191 Adolph Lo - Agency motion to withdraw complaint and dismiss action (4/9), Respondent's motion to withdraw Petition for Review (4/11)(JM)  
\_\_\_\_\_
- 89-196 Wayne Molen - Board Order (JM)  
\_\_\_\_\_
- 89-299 City of Streator - Agency motion to withdraw complaint and dismiss action (3/28)(JM)  
\_\_\_\_\_
- 90-7 Roger Smith - Respondent's motion for reconsideration of February 22, 1990 Default Order (3/8), Agency response to Respondent's motion for reconsideration (3/28), Agency response to March 22, 1990 Board Order (4/10)(JM)  
\_\_\_\_\_
- 90-16 Frank Edwards - Complainant's motion for withdrawal of Administrative Citation (3/26), (See also Respondent's Petition for Review filed 3/28)(JM)  
\_\_\_\_\_

MOTIONS:

- 87-191 Lefton Iron & Metal - Respondents Moss-American and Kerr-McGee Chemical motion for leave to exceed page limitation (4/4)(JD)  
\_\_\_\_\_
- 88-69 Scott AFB - Petitioner's motion for extension of variance until April 30, 1990 (4/2)(JD)  
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- 88-151 Citizens Utilities - Petitioner's motion for reconsideration of March 8, 1990 Opinion and Order (4/10)(JA)  
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**MOTIONS: (Cont'd)**

- 88-180 City of Ottawa - Petitioner's petition for modification of April 27, 1989 Board Order (3/9), Agency response to petition for modification of April 27, 1989 Board Order (3/23)(MN) \_\_\_\_\_
- 89-19 Daniel & Helen Lorden - Respondent's motion to dismiss (3/20) \_\_\_\_\_
- 89-61 Thomas Fredette - Respondent's motion to vacate March 22, 1990 Default Board Order and for additional time to file discovery answers (3/28), Complainant's response to motion to vacate (4/2)(JM) \_\_\_\_\_
- 89-118 Highland Supply Corporation - Petitioner's motion for withdrawal of appeal (3/29) \_\_\_\_\_
- 89-212 City of Braidwood - Agency motion to file Recommendation Instanter (4/9) \_\_\_\_\_
- 90-27 Shell Oil Company - Agency motion to dismiss (3/26), Petitioner's response to motion to dismiss (4/3)(RF) \_\_\_\_\_
- 90-28 USS Steel - Agency motion to dismiss petition for variance (3/23), Petitioner's response to motion to dismiss (4/2)(RF) \_\_\_\_\_
- 90-29 Laclede Steel Company - Agency motion to dismiss variance petition (3/22), Petitioner's response to motion to dismiss (4/2)(RF) \_\_\_\_\_
- 90-30 Granite City Steel - Agency motion to dismiss variance petition (3/23), Petitioner's response to motion to dismiss (4/2), Objection (4/2), Objection (4/5)(RF) \_\_\_\_\_
- 90-32 Multi-County Landfill - Agency motion to file Agency Permit Record Instanter (4/5) \_\_\_\_\_
- 90-33 National Steel - Agency motion to dismiss (3/19) \_\_\_\_\_
- 90-37 Nesco Steel Barrel - Respondent's motion to strike Counts I and IV of the Complaint (3/29), Agency response to Respondent's motion to strike (4/9) \_\_\_\_\_



**MOTIONS: (Cont'd)**

R88-14     Abbott Laboratories - Agency motion for Hearing Officer Order to produce documentation for cost estimates presented in Exhibits 15, 16, 17, 24, 25 and 27 (3/22), Agency motion for identification of affected facilities (3/22), Agency motion for additional hearing dates (3/22), Petitioner's motion to extend time for responses to various motions (3/30), Petitioner's response to motion for additional hearing dates (4/4)(JD)

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**ADJUSTED STANDARDS MOTIONS:**

88-2        Stepan Company - Status Report (4/5)(JM)

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90-2        Shell Oil Company - Agency motion to dismiss (3/26), Petitioner's response to motion to dismiss (4/2)(RF)

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90-3        Laclede Steel Company - Agency motion to dismiss petition (3/26), Petitioner's response to motion to dismiss (4/2)(RF)

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90-4        Granite City Steel - Agency motion to dismiss petition (3/26), Petitioner's response to motion to dismiss (4/3)(RF)

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90-5        R. Lavin & Sons - agreed motion for extension of time to file response to petition (3/2)(RF)

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**REGULATORY DISCUSSIONS:**

R88-21     Water Toxics, Proposed Rule, Second Notice, Opinion  
(B)        and Order (RF)

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**DISCUSSIONS:**

88-71        Allen Barry (BF)

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AC 89-109     Fairview Heights (JM)  
(A & B)

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89-140        City of Minonk (MN)(due 5/10)

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**DISCUSSIONS: (Cont'd)**

- \* 89-170 Centralia Environmental Services (MN)(due 4/26)  
\_\_\_\_\_
- 89-187 UNR-ROHN & Robert Penn (JA) \_\_\_\_\_
- 89-190 Ravenswood Hospital (JA) \_\_\_\_\_
- \* 89-210 Metro Utility Company (RF)(due 4/26) \_\_\_\_\_
- \* 90-3 Calvary Temple Church (RF)(due 4/26) \_\_\_\_\_
- \* 90-23 Village of Mundelein (JA)(due 6/7) \_\_\_\_\_
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**AMENDED PETITIONS:**

- 89-183 City of Batavia (filed 4/2)(JM) \_\_\_\_\_
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**NEW CASES:**

- 90-41 Village of Elburn v. EPA \_\_\_\_\_
- 90-42 Stepan Company v. EPA \_\_\_\_\_
- 90-43 Town of Cortland v. EPA \_\_\_\_\_
- 90-44 Monsanto Company v. EPA \_\_\_\_\_
- 90-45 Minnesota Mining and Manufacturing Company v. EPA  
\_\_\_\_\_
- 90-46 Rockford Drop Forge Company v. EPA \_\_\_\_\_
- 90-47 Darrell Williams v. Shell Oil Company (Wood River)  
\_\_\_\_\_
- 90-48 City of Wenona v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_
- 90-49 Barber-Coleman Company v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_
- 90-50 E.D. Etnyre and Company v. EPA (Provisional Variance)  
(JM) \_\_\_\_\_
- R90-9 Used and Waste Tire Regulations, Part 848  
\_\_\_\_\_

**NEW CASES:** (Cont'd)

R90-10 RCRA, Toxicity Characteristic Leaching Procedures (TCLP)  
(RESERVED)

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**AC APPEALS:**

90-23 Steve Zimmerman & Waste Limited, Inc. \_\_\_\_\_

90-24 Steve Zimmerman & Waste Limited, Inc. \_\_\_\_\_

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**NEW AC CASES:**

90-23 Steve Zimmerman (SEE AC APPEALS)

90-24 Steve Zimmerman (SEE AC APPEALS)

90-25 Robert L. Ellis \_\_\_\_\_

90-26 ESG Watts, Inc. \_\_\_\_\_

90-27 Johnson Blackwell \_\_\_\_\_

90-28 Arthur Miller \_\_\_\_\_

90-29 Harold Lowry \_\_\_\_\_

90-30 Morgan Manufacturing Company \_\_\_\_\_

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**MINUTES:**

March 22, 1990 \_\_\_\_\_

March 27, 1990 (Special Board Meeting) \_\_\_\_\_

April 9, 1990 (Special Board Meeting) \_\_\_\_\_

PENDING CASES ASSIGNED:

\* 85-95 Citizens Utilities (Remand)(JA)  
\* 85-140 Citizens Utilities (Remand)(MN)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
86-1 City of Peru CSO (JTM)  
86-56 Trilla Steel Drum (Remand)(JD)  
86-161 Elizabeth Street Foundry (JD)  
\* 86-180 The Ceco Corporation (JTM)(open waiver)  
87-89 Cargill (Remand)(JM)  
\* 87-131 Amerock Corporation (JTM)(open waiver)  
87-191 Lefton Iron & Metal (JD)  
87-209 Commonwealth Edison Company (JA)  
AS 88-2 Stepan Company (JM)  
\* 88-25 Modine Manufacturing (JA)(open waiver)  
88-127 Koppers Company (JM)  
\* 88-193 General Motors Corporation (JD)(open waiver)  
\* 88-195 McLean County Disposal (JTM)(open waiver)  
88-199 Seegers Grain (JM)  
AS 89-2 Elizabeth Street Foundry (JD)  
AS 89-3 The Nutrasweet Company (BF)  
AC 89-18 J & R Landfill (RF)  
89-64 Gallagher Blacktop (BF)  
AC 89-109 Fairview Heights (JM)  
\* 89-129 National Environmental Services (BF)(due 7/29)  
AC 89-131 ESG Watts, Inc. (MN)  
89-151 Brian J. Peter (RF)  
AC 89-156 John Gordon (BF)  
89-162 Family Enterprises (MN)  
89-182 Robert & Joan Kvatsak (BF)  
\* 89-183 City of Batavia (JM)(due 6/21)  
89-186 Bulk Molding Compounds (BF)  
89-191 Calumet Armature Electric (MN)  
89-206 Chicago Steel Container (JD)  
\* 89-213 Illinois Power Company (BF)(due 6/21)  
AC 89-227 Jack Wright (RF)  
AC 89-258 Donald Taylor (BF)  
\* 90-21 United City of the Village of Yorkville (RF)(due 6/7)