

**MINUTES OF REGULAR BOARD MEETING
JUNE 21, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #AC 89-109 (Docket B), Fairview Heights, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #89-200, Ekco Glaco, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #89-212, City of Braidwood, by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred. (JA)

An Opinion and Order was adopted in #89-213, Illinois Power Company, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #90-54, F & F Laboratories, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-55, United American Metals, by a vote of 6-1. J. Theodore Meyer dissented. JM)

An Opinion and Order was adopted in #90-56, Plochman, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-57, Lifetime Rooftile, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-58, Arlington Plating Company, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

In R87-31, SO₂ Averaging, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R88-21 (Docket B), Water Toxics, an adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RF)

In R88-26, Safe Drinking Water Act, a reason for delay Order was adopted by a vote of 7-0. (JA)

In R90-4, SDWA Update, USEPA Regulations (July 1, 1989 through December 31, 1989), a dismissal Order was adopted by a vote of 7-0. (JA)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #90-37, Robert McCormick.

By a vote of 4-3, Respondent's motion for reconsideration was granted and the July 27, 1989 Default Order in #AC 89-120, William White, was vacated. Messrs. B. Forcade, J. Marlin and J. Theodore Meyer dissented. (JA)

By a vote of 7-0, Respondent's motion for approval of settlement and to withdraw 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 89-164, Kemp Manufacturing. (JM)

By a vote of 7-0, Respondent's motion to withdraw 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 #90-23, Steve Zimmerman & Waste Limited. (JM)

By a vote of 7-0, Respondent's motion to withdraw 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 #90-24, Steve Zimmerman & Waste Limited. (JM)

By a vote of 7-0, Complainant's motion to dismiss was granted in #AC 90-33, LaVerne Thomas. (JM)

By a vote of 7-0, a joint petition requesting modification of a July 13, 1988 Board Order was granted and Condition #3 of the Order was amended in #85-224, Aurora Sanitary District CSO. J. Dumelle concurred. (RF)

An Order directing the parties to file a status report on or before August 6, 1990 indicating their views as to how the matter should best proceed and whether they believe additional briefing or hearing is required, was adopted in #87-89, Cargill, by a vote of 7-0. (JM)

An Order directing the parties to submit a status report to the Board and the Hearing Officer by July 23, 1990, which shall include an indication of when the parties will proceed to hearing, was adopted in #89-87, -44, Moline Corporation, by a vote of 7-0. (JM)

An Order directing the parties to submit a status report to the Board by July 23, 1990, which shall include an indication of when the parties will proceed to hearing, was adopted in #89-88, Hydraulics, Inc., by a vote of 7-0. (JM)

An Order directing the parties to submit a status report to the Board and the Hearing Officer no later than July 23, 1990, which shall include an indication of when the parties will proceed to hearing, was adopted in #89-89, Motor Wheel Corporation, by a

vote of 7-0. (JM)

An Order directing the parties to submit a status report to the Board and the Hearing Officer by July 23, 1990, which shall include an indication of when the parties will proceed to hearing, was adopted in #89-154, Roll Service, by a vote of 7-0. (JM)

By a vote of 7-0, an Agency motion to reconsider an April 26, 1990 Opinion and Order was granted and upon reconsideration the Board declined to change its decision in #90-3, Calvary Temple. (RF)

Agency motion to file Recommendation Instanter was granted in #90-43, Town of Cortland, by a vote of 7-0. (RF)

Agency motion for leave to file instanter and motion for extension of time was granted and Respondent's motion to strike was denied in #90-89, Fred Johnson et al., by a vote of 7-0. (JM)

By a vote of 7-0, an Order granting an Agency motion to strike paragraphs 1, 2 and 4 of the permit appeal and Exhibit #2 attached thereto, and granting Petitioner leave to file an amended permit appeal, which will restart the statutory time period for decision was adopted in #90-95, ESG Watts, by a vote of 7-0. (JM)

Since an objection was filed a hearing was authorized in #90-100, City of Ottawa, by a vote of 7-0. (BF)

By a vote of 7-0, Agency motion for extension of time to file its response to the petition in #90-102, State Oil Company, was granted until June 22, 1990. (JM)

These regulatory matters were discussed and held to July 3, 1990 for further discussion or possible decision: R81-19, Citizens Utilities Company (Remand), Dismissal Order; R86-9(B), Landfilling Hazardous Waste, Proposed Rule, First Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0:
#90-107, People of the State of Illinois v. Miller Fluid Power Corporation, hearing mandatory; 90-108, Joseph B. Stratton and Pamela J. Stratton v. Charles M. Rock and Little Caesar's Pizza (Peoria Heights), held for Duplicitous/Frivolous Determination; 90-109, People of the State of Illinois v. Litho-Graphic Metal Corporation, hearing mandatory; 90-110, People of the State of Illinois v. Homak Manufacturing Company, hearing mandatory; 90-111, People of the State of Illinois v. Seegers Grain, Inc., hearing mandatory; 90-112, People of the State of Illinois v. Chicago Heights Refuse Depot, Inc., hearing mandatory; 90-113,

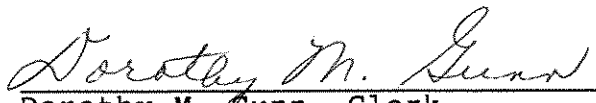
Village of Sauget v. EPA, accepted for hearing, Order by B. Forcade; 90-114, National Steel Corporation (Granite City Division) v. EPA, accepted for hearing and motion for Chester R. Babst III and Steven F. Faeth to appear pro hac vice granted, Order by B. Forcade; 90-115, People of the State of Illinois v. Excello Color and Chemical Company, hearing mandatory; 90-116, People of the State of Illinois v. Graham Paint and Varnish Company, Inc.; hearing mandatory; 90-117, Federated Paint and Manufacturing Company, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-118, Land and Lakes Company v. EPA, accepted for hearing, Order by B. Forcade; 90-119, Rockton Sanitary District v. EPA, provisional variance granted, Order by J. Marlin; 90-120, People of the State of Illinois v. William J. Langheim d/b/a Langheim Ready Mix, Patrick Langheim d/b/a Langheim Ready Mix and Concrete Midwest Company, Inc., hearing mandatory, R90-11, RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990), docket reserved; R90-12, UST Update, USEPA Regulations (January 1, 1990 through June 30, 1990), docket reserved; R90-13, SDWA Update, USEPA Regulations (January 1, 1990 through June 30, 1990), docket reserved; R90-14, UIC Update, USEPA Regulations (January 1, 1990 through June 30, 1990), docket reserved; R90-15, Pretreatment Update, USEPA Regulations (January 1, 1990 through June 30, 1990), docket reserved.

These Administrative Citations were received by the Board: #90-42, Robert Wheeler; 90-43, Charles Pring; 90-44, Everett Allen; 90-45, Everett Allen; 90-46, Herb Endrijaitas; 90-47, ESG Watts, Inc..

Minutes of the June 7, 1990 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to July 3, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 3rd day of July, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 21, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

88-199 Seegers Grain (Stip)(JM) _____

AC 89-109 Fairview Heights (JM) _____
(B)

89-200 Ekco Glaco (JM) _____

* 89-212 City of Braidwood (JA)(due) _____

* 89-213 Illinois Power Company (BF)(due) _____

90-54 F & F Laboratories (MN) (Stip)

90-55 United American Metals (JM) (Stip)

90-56 Plochman, Inc. (MN) (Stip)

90-57 Lifetime Rooftile (MN) (Stip)

90-58 Arlington Plating Company (MN) (Stip)

90-70 Caravelle Wood Products (JM) (Stip)

90-85 George M. Eliopulos (JM) (Stip)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R87-31 SO₂ Averaging, Proposed Rule, First Notice, Opinion and Order (BF) _____
- R88-21 Water Toxics, Adopted Rule, Final Order, Opinion and (B) Order (RF) _____
- R88-26 Safe Drinking Water Act, Reason for Delay Order (JA) _____
- R89-16 RACT Deficiencies, Dismissal Order (JD) (B) _____
- R90-4 SDWA Update, USEPA Regulations (July 1, 1989 through December 31, 1989, Dismissal Order (JA) _____

AC DECISIONS:

- 90-37 Robert McCormick _____

AC MOTIONS:

- 89-120 William White - Respondent's motion for reconsideration of July 27, 1989 Default Order (4/2), Agency response to April 12, 1990 Board Order (5/7), Respondent's response to May 24, 1990 Board Order (6/6), Agency response to May 24, 1990 Board Order (6/11), Respondent's reply to Agency response to May 24, 1990 Board Order (6/18)(JA) _____
- 89-164 Kemp Manufacturing - Respondent's motion for approval of settlement and to withdraw Petition for Review (6/18)(JM) _____
- 90-23 Steve Zimmerman & Waste Ltd. - Respondent's motion to withdraw Petition for Review (6/8)(JM) _____
- 90-24 Steve Zimmerman & Waste Ltd. - Respondent's motion to withdraw Petition for Review (6/8)(JM) _____
- 90-33 LaVerne Thomas - Complainant's motion to dismiss (6/18)(JM) _____

MOTIONS:

- 85-224 Aurora Sanitary District CSO - joint petition requesting modification of July 13, 1988 Board Order (6/14)(RF)
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- 87-89 Cargill, Inc. - Village of Carpentersville response to May 24, 1990 Board Order (6/13), Cargill's response to May 24, 1990 Board Order (6/14), Agency response to May 24, 1990 Board Order (6/15)(JM)
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- 88-151 Citizens Utilities - Petitioner's motion for reconsideration of March 8, 1990 Opinion and Order (4/10), Agency response to Petitioner's motion for reconsideration (5/21), Petitioner's reply to Agency response to Petitioner's motion for reconsideration (6/1), Agency response to Petitioner's reply (6/13), Petitioner's motion to strike Agency response to reply (6/19)(JA)
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- 89-87) Moline Corporation - Status Report Order (JM)
89-44)
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- 89-88 Hydraulics, Inc. - Status Report Order (JM)
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- 89-89 Motor Wheel - Status Report Order (JM)
-
- 89-151 Geneva Meat and Fish Market - Respondent's motion for additional time to respond to May 24, 1990 Board Order (6/14)(RF)
-
- 89-154 Roll Service - Status Report Order (JM)
-
- 90-3 Calvary Temple Church - Agency motion to reconsider April 26, 1990 Opinion and Order (5/30), Petitioner's response to Agency motion to reconsider (6/14)(RF)
-
- 90-40 Waste Management - Petitioner's motion to withdraw documents (5/31)
-
- 90-43 Town of Cortland - Agency motion to file Recommendation Instanter (6/14)(RF)
-
- 90-61 Duraco, Inc. - Respondent's motion for extension of time (6/15)(JM)
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MOTIONS: (Cont'd)

- 90-89 Fred Johnson et al. - Respondents motion to strike (5/25), Complainant's motion for leave to file motion for extension of time Instanter (6/12), Agency response in opposition to respondents motion to strike (6/13)
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- 90-95 ESG Watts - Agency motion to strike (5/29)(JM)
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- 90-100 City of Ottawa - Objection (6/8)(RF)
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- 90-102 State Oil Company - Respondents motion to dismiss (6/13), Agency motion for extension of time (6/15)(JM)
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- R89-16 RACt Deficiencies - Agency motion for reconsideration of (A) May 10, 1990 Final Order (6/14)(JD)
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REGULATORY DISCUSSIONS:

- R81-19 Citizens Utilities Company (Remand), Dismissal Order (JD)
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- R86-9 Landfilling Hazardous Waste, Proposed Rule, First (B) Notice, Opinion and Order (JD)
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NEW CASES:

- 90-107 People of the State of Illinois v. Miller Fluid Power Corporation
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- 90-108 Joseph B. Stratton and Pamela J. Stratton v. Charles M. Rock and Little Caesar's Pizza (Peoria Heights)
-
- 90-109 People of the State of Illinois v. Litho-Graphic Metal Corporation
-
- 90-110 People of the State of Illinois v. Homak Manufacturing Company
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- 90-111 People of the State of Illinois v. Seegers Grain, Inc.
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- 90-112 People of the State of Illinois v. Chicago Heights Refuse Depot, Inc.
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NEW CASES: (Cont'd)

- 90-113 Village of Sauget v. EPA _____
- 90-114 National Steel Corporation (Granite City Division) v. EPA (See also Petitioner's Motion to Appear Pro Hac Vice)(BF) _____
- 90-115 People of the State of Illinois v. Excello Color and Chemical Company _____
- 90-116 People of the State of Illinois v. Graham Paint and Varnish Company, Inc. _____
- 90-117 Federated Paint and Manufacturing Company, Inc. v. EPA (Provisional Variance)(JM) _____
- 90-118 Land and Lakes Company v. EPA (BF) _____
- 90-119 Rockton Sanitary District v. EPA (Provisional Variance)(JM) _____
- R90-11 RCRA Update, USEPA Regulations (April 1, 1990 through June 30, 1990) (RESERVED)
- R90-12 UST Update, USEPA Regulations (January 1, 1990 through June 30, 1990) (RESERVED)
- R90-13 SDWA Update, USEPA Regulations (January 1, 1990 through June 30, 1989) (RESERVED)
- R90-14 UIC Update, USEPA Regulations (January 1, 1990 through June 30, 1990) (RESERVED)
- R90-15 Pretreatment Update, USEPA Regulations (January 1, 1990 through June 30, 1990) (RESERVED)

NEW AC CASES:

- 90-42 Robert Wheeler _____
- 90-43 Charles Pring _____
- 90-44 Everett Allen _____
- 90-45 Everett Allen _____
- 90-46 Herb Endrijaitas _____
- 90-47 ESG Watts, Inc. _____

MINUTES:

June 7, 1990 _____

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)
 86-27 Modine Manufacturing (Remand)(JA)
 86-48 Wells Manufacturing (Remand)(RF)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-161 Elizabeth Street Foundry (JD)
 * 86-180 The Ceco Corporation (JTM)(open waiver)
 87-89 Cargill (Remand)(JM)
 * 87-131 Amerock Corporation (JTM)
 87-191 Lefton Iron and 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 (JM)
 89-64 Gallagher Blacktop (BF)
 * 89-129 National Environmental Services (BF)(due 7/19)
 AC 89-131 ESG Watts, Inc. (MN)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 * 89-170 Centralia Environmental Services (MN)
 89-179 Tony & Patricia Martin (MN)
 89-182 Robert & Joan Kvatsak (BF)
 * 89-183 City of Batavia (JTM)(due 10/25)
 89-186 Bulk Molding Compounds (BF)
 AC 89-224 John Vander (MN)
 AC 89-227 Jack Wright (RF)
 AC 89-258 Donald Taylor (BF)
 AC 89-292 Land and Lakes (JM)
 AC 89-304 G & M Wrecking Company (JA)
 AS 90-1 City of Jacksonville (JA)
 90-13 ABC Rail Corporation (JD)
 90-19 DuPage Plating Company (JD)
 * 90-41 Village of Elburn (RF)(due 7/19)
 * 90-43 Town of Cortland (RF)(due 8/9)
 * 90-45 Minnesota Mining & Manufacturing (BF)(due 8/9)
 * 90-53 Industrial Fuels & Resources/Illinois (JD)(due 8/9)
 90-64 Jeffrey Kilgus (BF)
 90-67 Allwaste Tank Cleaning (BF)
 90-71 Lutheran General Hospital (JM)
 90-78 Support Terminal Services (JM)
 90-84 We-Toast Bread Bread Company (JM)
 * 90-94 D & L Landfill (MN)(due 8/30)
 * 90-100 City of Ottawa (RF)(due 9/27)
 90-106 Village of Ipava (RF)