

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 28, 1989 CHICAGO, ILLINOIS

All Board Members were present save B. Forcade who was on vacation.

An Opinion and Order was adopted in #85-137, Fred Jurcak, by a vote of 6-0. (MN)

An Opinion and Order was adopted in 89-103, Simkins Industries, by a vote of 6-0. (JM)

In R84-12, Trihalomethanes, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 6-0. (JD)

In R88-21, Water Toxics, a Supplemental Opinion was adopted by a vote of 6-0. J. Dumelle concurred. (RF)

In R89-3, Pretreatment Regulations (July 1, 1988 through December 31, 1988), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

In R89-13(A), IDENR Special Waste Categorization Study, an Order determining that an economic impact study was not necessary at this time was adopted by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##89-165, Lawrence Krugman; 89-167, Albert Finton; 89-168, James Polen; 89-174, Earl Bradd; 89-177, City of Markham; 89-178, City of Harvey; 89-179, D & L Disposal; 89-180, City of Monmouth; 89-183, Renaissance Restoration; 89-184, Robert and Dean Bishop; 89-185, Charles Moon.

An Agency motion to withdraw the complaint was granted in #AC 89-102, Lowell Fauber, by a vote of 6-0. (JM)

An Agency motion to withdraw the complaint was granted in #AC 89-108, Ed Clark, by a vote of 6-0. (JM)

By a vote of 6-0, Respondent's motion to vacate a July 27, 1989 Board Order in #AC 89-132, Ray Schroeder, was denied and Respondent was allowed an additional 35 days to respond to the July 27, 1989 Order. J. Anderson concurred. (JM)

An Order was adopted pursuant to a motion for modification in #85-218, City of Belleville, by a vote of 5-1. R. Flemal dissented. (JD)

Petitioner's motion to dismiss was granted in #87-159, Outboard Marine, by a vote of 6-0. (JM)

Petitioner's motion to reconsider a July 27, 1989 decision in #87-183, Container Corporation, was denied by a vote of 6-0. (JA)

By a vote of 6-0, an Order was adopted pursuant to motions for summary judgment in #87-191, Lefton Iron and Metal. (JM)

By a vote of 4-2, Complainant's motion for reconsideration was granted and upon reconsideration the Board reaffirmed its July 13, 1989 decision in #88-16, Anthony Kochanski. J. Dumelle and M. Nardulli dissented. (JM)

Petitioner's motion for withdrawal of petition for variance was granted in #88-44, Amoco Chemical, by a vote of 6-0. (JD)

Petitioner's motion for withdrawal of petition for variance was granted in #88-45, Amoco Chemical, by a vote of 6-0. (JD)

Petitioner's motion for withdrawal of petition for variance was granted in #88-46, Amoco Chemical, by a vote of 6-0. (JD)

Petitioner's motion to voluntarily withdraw was granted in #88-65, Safety-Kleen, by a vote of 6-0. (JM)

By a vote of 6-0, an Order was adopted regarding the unsigned Stipulation and Proposed Settlement document introduced at hearing in #88-199, Seegers Grain. (JM)

An Order was adopted pursuant to a motion to compel in #89-19, Daniel and Helen Lorden, by a vote of 6-0. J. Dumelle concurred. (JM)

Petitioner's motion to dismiss was granted in #89-70, Rockford Products, by a vote of 6-0. (JM)

Petitioner's motion to dismiss was granted in #89-71, Rockford Products, by a vote of 6-0. (JM)

Petitioner's September 12, 1989 motion for an extension of time was denied as moot and September 22, 1989 motion for an extension of time to file its response to the Agency's recommendation was granted until October 13, 1989 in #89-107, City of Geneva, by a vote of 6-0. (JM)

By a vote of 6-0, an Agency motion to file instanter its response and motion to substitute Petitioner's edited version of the Agency Record for its original filing was granted in part and the Clerk was directed to place Petitioner's September 14 edited version in the public files and to retain all copies of the Agency's August 28 full version in the security files for continued confidential treatment in #89-188, Highland Supply Corporation. (JM)

Respondent's motion to extend time for filing briefs was denied

in #89-121, City of Marseilles, by a vote of 6-0. (MN)

These cases were discussed and held to October 18, 1989 for further discussion or possible decision: ##87-93, Commonwealth Edison; 88-172, Allied Signal; 88-191, Testor Corporation; 89-92, Christian County.

These regulatory matters were discussed and held to October 18, 1989 for further discussion or possible decision: R87-36, Modine Site-Specific; R88-9, Reilly Tar & Chemical.

These regulatory matters were discussed and held to October 5, 1989 for decision: R88-26, Safe Drinking Water Act Regulations; R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988).

In new case #89-147, Roadmaster Industries, Inc. v. EPA, these actions were taken by a vote of 5-1: motions by J. Theodore Meyer to suspend Rule 104.123 and to treat petition to extend prior variance as a motion under PCB 87-136 and to close the docket in PCB 89-147 were granted. J. Dumelle dissented. (JTM)

In other new cases these actions were taken by a vote of 6-0: #89-148, Reichhold Chemicals, Inc. v. EPA, accepted for hearing, Order by J. Marlin; 89-149, Waltonville Community Unit No. 1 v. Consolidation Coal Company, additional information requested, Order by J. Marlin; 89-150, Sushi, Ltd. v. EPA, accepted for hearing, Order by J. Marlin; 89-151, Brian J. Peter v. Geneva Meat and Fish Market, Clerk directed to provide parties with an updated copy of the Board's Procedural and Noise Rules and the Environmental Protection Act and held for Duplicitous/Frivolous Determination; 89-152, Clark Oil and Refining Corporation v. EPA, provisional variance granted, Order by J. Marlin; 89-153, Olin v. EPA, provisional variance granted, Order by J. Marlin; 89-154, People of the State of Illinois v. Roll Service, Inc., hearing mandatory; R89-14, Groundwater Quality Standards, Order by R. Flemal.


Because Petitions for Review were received a hearing will be held in these Administrative Citations: ##89-194, G.M. Wrecking Company; 89-203, Waste Hauling Landfill, Inc.

These Administrative Citations were received by the Board: #89-200, George Jones and City of Creal Springs; 89-201, Fred Gocey; 89-202, Jim Laurenzana; 89-204, Bi-State Disposal Company, Inc.; 89-205, Otto Baer; 89-206, Witvoet Trucking Company, Inc.; 89-207, Chicago Heights Refuse Depot, Inc.; 89-208, Turner Brothers Excavating, Inc.; 89-209, Larry Will; 89-210, Raymond Tangman; 89-211, City of Palos Hills; 89-212, Stepco Corporation; 89-213, Franklin Olson; 89-214, Kenneth Pearson.

Minutes of the September 13, 1989 Board Meeting were approved by a vote of 6-0.

The Board then decided to hold Special Board Meetings on October 2 and October 5, 1989 at 10:30 a.m. and 1:00 p.m. respectively. The Clerk will post the notices.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 18th day of October, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 28, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

85-137 Fred Jurcak (MN) _____
89-103 Simkins Industries (JM) _____
R84-12 Trihalomethanes, Proposed Rule, Second Notice, Proposed
Opinion and Order (JD) _____
R88-21 Water Toxics, Supplemental Opinion (RF)

R89-3 Pretreatment Regulations (July 1, 1988 through December
31, 1988), Adopted Rule, Final Opinion and Order (JM)

R89-13 IDENR Special Waste Categorization Study, EcIS
(A) Determination Order (JA) _____

AC DECISIONS:

89-165 Lawrence Krugman _____
89-167 Albert Finton _____
89-168 James Polen _____
89-174 Earl Bradd _____
89-177 City of Markham _____
89-178 City of Harvey _____
89-179 D & L Disposal _____
89-180 City of Monmouth _____

AC DECISIONS: (Cont'd)

89-183 Renaissance Restoration
89-184 Robert & Dean Bishop
89-185 Charles Moon

AC MOTIONS:

89-102 Lowell Fauber - Agency motion to withdraw complaint
(9/25)(JM)
89-108 Ed Clark - Agency motion to withdraw complaint (9/25)
(JM)
89-132 Ray Schroeder - Respondent's motion to vacate July 27,
1989 Board Order (9/11)

MOTIONS:

85-218 City of Belleville - Petitioner's motion for
modification of October 29, 1987 Order (8/7), Agency
response to Petitioner's motion for modification of
Board Order (9/14)(JD)
87-159 Outboard Marine - Petitioner's motion to dismiss permit
appeal (9/13)
87-183 Container Corporation - Petitioner's motion to
reconsider (8/31), Agency response to motion to
reconsider (9/18)(JA)
87-191 Lefton Iron & Metal - Complainants' motion for summary
judgment (8/11), Respondents' objection to motion for
summary judgment (8/16), Counterclaimant's motion for
summary judgment (8/29), Respondents' cross-motion for
summary judgment (8/29), Complainants' answer and
objections to Respondents' cross-motion for summary
judgment (9/14), Complainant's motion for extension of
time to respond to motions for summary judgment (9/19),
Counterdefendants memorandum in opposition to
Counterclaimant's motion for summary judgment (9/22),
Kerr-McGee's motion for leave to file reply to
Counterdefendants' memorandum in opposition to motion
for summary judgment Instanter (9/27)(JM)

MOTIONS: (Cont'd)

- 88-16 Anthony Kochanski - Complainant's motion for reconsideration (8/16), Respondent's response to motion for reconsideration (8/22)(JM) _____
- 88-44 Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)(JD) _____
- 88-45 Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)(JD) _____
- 88-46 Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)(JD) _____
- 88-65 Safety-Kleen - Petitioner's motion to voluntarily withdraw (9/22) _____
- 88-151 Citizens Utilities - Petitioner's motion for leave to appeal Interlocutory Hearing Officer's Order (9/15), Agency motion for further sanctions and or dismiss (9/25), Agency response to Petitioner's appeal of Hearing Officer's Interlocutory Order of September 12, 1989 (9/27)(RF) _____
- 88-199 Seegers Grain - Board Order (JM) _____
- 88-203 American National Can - Petitioner's motion to modify August 31, 1989 Board Order (9/19)(MN) _____
- 89-19 Daniel Lorden - motion to compel (Note: See H.O. letter to the Board dated 9/5)(JM) _____
- 89-70 Rockford Products - Petitioner's motion to dismiss without prejudice (9/26)(JM) _____
- 89-71 Rockford Products - Petitioner's motion to dismiss without prejudice (9/26)(JM) _____
- 89-78 Moline Corporation - Petitioner's motion for summary judgment (9/8), Agency motion to file Instanter and response to Petitioner's motion for summary judgment (9/26) _____
- 89-107 City of Geneva - Petitioner's motion for extension of time (9/12), agreed motion for extension of time to file response to Agency Recommendation (9/22)(JM) _____

MOTIONS: (Cont'd)

- 89-118 Highland Supply - Petitioner's Brief in support of retaining Trade Secrets in Agency Record (9/14), Agency's response to August 31, 1989 Board Order (9/22)(JM)_____
- 89-128 IBP, Inc. - Agency motion to dismiss (8/21), Petitioner's response to Agency motion to dismiss (8/25), Petitioner's Brief in opposition to Agency's motion to dismiss (9/21)_____

DISCUSSIONS:

- 87-93 Commonwealth Edison (RF)_____
- * 88-172 Allied-Signal (MN)(due 10/18)_____
- * 88-191 Testor Corporation (JTM)(due 10/18)_____
- * 89-92 Christian County (JD)(due 10/18)_____

REGULATORY DISCUSSIONS:

- R87-36 Modine Site-Specific, Proposed Rule, First Notice, Opinion and Order (RF)_____
- R88-9 Reilly Tar & Chemical, Adopted Rule, Final Opinion and Order (MN)_____
- R88-26 Safe Drinking Water Act Regulations, Proposal for Public Comment, Proposed Opinion and Order (JA) (Note: to be decided at October 5, 1989 Special Board Meeting)
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), Proposal for Public Comment, Proposed Opinion and Order (JA) (Note: to be decided at October 5, 1989 Special Board Meeting)

NEW CASES:

- 89-147 Roadmaster Industries, Inc. v. EPA_____
- 89-148 Reichhold Chemicals, Inc. v. EPA (JM)_____
- 89-149 Waltonville Community Unit No. 1 v. Consolidation Coal Company_____

NEW CASES: (Cont'd)

89-150 Sushi, Ltd. v. EPA (JM) _____

89-151 Brian J. Peter v. Geneva Meat and Fish Market

89-152 Clark Oil and Refining Corporation v. EPA (Provisional
Variance)(JM) _____

89-153 Olin v. EPA (Provisional Variance)(JM)

89-154 People of the State of Illinois v. Roll Service, Inc.

R89-14 Agency Proposed Amendments to Groundwater Quality
Standards (35 Ill. Adm. Code 620)(RF)

R89-15 IDENR Evaluation of Underground Injection (RESERVED)

AC APPEALS:

89-194 G.M. Wrecking Company _____

89-203 Waste Hauling Landfill, Inc. _____

NEW AC CASES:

89-200 George Jones and City of Creal Springs _____

89-201 Fred Gocey _____

89-202 Jim Laurenzana _____

89-204 Bi-State Disposal Company, Inc. _____

89-205 Otto Baer _____

89-206 Witvoet Trucking Company, Inc. _____

89-207 Chicago Heights Refuse Depot, Inc. _____

89-208 Turner Brothers Excavating, Inc. _____

89-209 Larry Will _____

89-210 Raymond Tangman _____

NEW AC CASES: (Cont'd)

89-211 City of Palos Hills _____

89-212 Stepco Corporation _____

89-213 Franklin Olson _____

89-214 Kenneth Pearson _____

MINUTES:

September 13, 1989 _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 86-56 Trilla Steel Drum (Remand)(JD)
 86-161 Elizabeth Street Foundry (JD)
 * 86-180 The Ceco Corporation (BF)(open waiver)
 87-89 Cargill (Remand)(JM)
 * 87-127 City of East Moline (BF)(due 11/15)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-139 Browning-Ferris (JD)
 87-209 Commonwealth Edison Company (JA)
 AS 88-2 Stepan Company(JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 88-36 Mervis Industries (JD)
 * 88-58 Quantum Chemical (BF)(due 1/11)
 88-71 Allen Barry (BF)
 AC 88-76 E & E Hauling (JA)
 AC 88-77 E & E Hauling (JA)
 AC 88-90 James Esarey (JM)
 AC 88-93 City of Herrin (JM)
 88-127 Koppers Company (JD)
 * 88-151 Citizens Utilities (RF)(due 3/8)
 88-173 Village of Lake Zurich (JTM)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 88-199 Seegers Grain (JM)
 88-207 Central Illinois Public Service (MN)
 * 89-5 Arco Products (RF)(due 1/25)
 AC 89-10 Jim Landers (MN)
 89-23 IDOT, Loyola University (RF)
 89-29 Village of Fox River Grove (BF)
 * 89-41 Old Ben Coal (JA)(due 12/20)
 * 89-42 Old Ben Coal (JA)(due 12/20)
 89-53 Lefton Iron & Metal (MN)
 * 89-66 Village of North Aurora (RF)(due 11/15)
 89-64 Gallagher Blacktop (BF)
 89-69 Klausung Tree Service (BF)
 * 89-102 Reilly Industries (JA)(due 11/2)
 * 89-104 Metropolitan Waste Systems (JD)(due 2/8)
 * 89-107 City of Geneva (JM)(due 11/2)
 * 89-108 McLean County Disposal (JTM)(due 11/15)
 AC 89-109 Fairvirw Heights (JA)
 * 89-121 Metropolitan Waste Systems (MN)(due 11/15)
 * 89-130 Village of Malta (JM)(due 12/6)
 * 89-131 City of Galva (MN)(due 12/20)
 * 89-138 Solid Waste Agency (JM)(due 12/20)
 * 89-139 City of Chenoa (RF)(due 12/20)
 * 89-140 City of Minonk (MN)(due 12/20)