

**MINUTES OF REGULAR BOARD MEETING
AUGUST 9, 1990 CHICAGO, ILLINOIS**

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

Chairman Marlin presented a draft Opinion and Order in #AC 89-18(B), J & R Landfill which failed to carry by a vote of 3-3 with R. Flemal, J. Marlin and M. Nardulli for it and J. Anderson, J. Dumelle and J. Theodore Meyer against it. Thereafter, J. Anderson changed her vote and the Opinion and Order was then adopted by a vote of 4-2. J. Dumelle and J. Theodore Meyer dissented and J. Anderson concurred. (JM)

An Opinion and Order was adopted in #89-183, City of Batavia, by a vote of 5-1. J. Dumelle dissented and B. Forcade was given leave to file a supplemental statement. (JTM)

An Opinion and Order was adopted in #AS 90-1, City of Jacksonville, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #90-43, Town of Cortland, by a vote of 5-1. J. Dumelle dissented. (RF)

An Opinion and Order was adopted in #90-69, Material Service Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-72, Cleveland Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-78, Support Terminal Services, by a vote of 5-1. J. Theodore Meyer dissented. (JM)

In R88-26, Safe Drinking Water Act, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

In R89-13, DENR Categorization, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 4-2. Messrs. J. Dumelle and M. Nardulli dissented. (JA)

In R90-2, RCRA Udate, USEPA Regulations (July 1, 1989 through December 31, 1989), and Order was adopted by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: #90-45, Everett Allen; 90-46, Herb Endrijaitas; 90-48, City of Monmouth; 90-50, John Sexton Contractors; 90-51, Everett Allen.

Petitioner's motion for reconsideration of a May 24, 1990 Opinion

and Order in #85-95, Citizens Utilities Company, was denied by a vote of 5-0. R. Flemal abstained. (JA)

An Order directing the Agency to file its response to Petitioner's motion for reconsideration and amended petition on or before August 16, 1990, was adopted in #86-3, City of Oglesby, by a vote of 6-0. (JA)

By a vote of 6-0, Petitioner's motion for additional time to respond to a July 3, 1990 Board Order in #88-25, Modine Manufacturing, was granted until August 13, 1990. (JA)

By a vote of 6-0, Respondent's motion to dismiss complaint or for alternative relief was denied in #89-61, Village of Beecher. (JM)

An Order directing the parties to submit a status report to be received by the Board no later than October 9, 1990, was adopted in ##89-87, -44, Moline Corporation, by a vote of 5-1. J. Theodore Meyer dissented and J. Dumelle concurred. (JM)

By a vote of 6-0, the Hearing Officer was directed to set a hearing within 60 days and to hold such hearing within 90 days in #89-88, Hydraulics, Inc.. J. Dumelle concurred. (JM)

An Order directing the parties to submit a status report to be received by the Board no later than November 7, 1990, was adopted in #89-89, Motor Wheel Corporation, by a vote of 6-0. (JM)

Complainant's motion to dismiss complaint as moot was granted in #89-168, Phyllis Daidone, by a vote of 6-0. (JM)

Petitioner's motion for extension of time to file its motion for reconsideration was granted until August 27, 1990 in #89-212, City of Braidwood, by a vote of 6-0. (JA)

Petitioner's motion to voluntarily dismiss and withdraw its petition for review in #90-6, Koppers Industries, was granted by a vote of 6-0. (JM)

Respondent's motion for modification of a July 19, 1990 Board Opinion and Order in #90-7, Blue Tee Corporation, was granted and the July 19, 1990 Opinion and Order was vacated by a vote of 6-0. (MN)

Petitioner's motion to withdraw was granted in #90-20, Jefferson Smurfit, by a vote of 6-0. (JM)

Petitioner's motion to withdraw was granted in #90-82, O'Brien Cogeneration, by a vote of 6-0. (JM)

By a vote of 6-0, an Order was adopted pursuant to an Agency

motion to dismiss in #90-95, ESG Watts, Inc.. (JM)

By a vote of 6-0, the parties were directed to file, by September 11, 1990, the proper pleading to clarify a discrepancy between the transcript, the complaint, and the terms of the settlement in the Stipulation and Proposal for Settlement in #90-98, Aggrecon Corporation. (JM)

An Opinion and Order was adopted in #90-74, Lawrence Brothers, by a vote of 6-0. (JD)

Agency motion for extension of time to reply to Petitioner's motion to supplement Agency Record was granted until August 9, 1990 in #90-118, Land and Lakes Company, by a vote of 6-0. (JM)

These cases were discussed and held to August 30, 1990 for further discussion or possible decision: ##AC 89-224 (Dockets A & B), John Vander; AC 89-304 (Dockets A & B), G & M Wrecking; 90-94, D & L Landfill.

These regulatory matters were discussed and held to August 30, 1990 for further discussion or possible decision: R86-9(B), Hazardous Waste Prohibitions; R89-14, Groundwater Quality Standards.

By a vote of 6-0, Petitioner's motion to withdraw documents was denied in #90-40, Waste Management. (JM)

No action was taken by the Board in amended petition #90-102, State Oil.

In new cases these actions were taken by a vote of 6-0: 90-131, City of Aurora v. EPA, Board will incorporate by reference all Board Opinions and Orders from the records of prior proceedings R85-14 and PCB 85-51, Petitioner's variance petition, but will not incorporate the records themselves. Petitioner may upon separate written request, incorporate portions of the prior records by filing four copies with the Clerk of the Board consistent with the procedural rules at 35 Ill. Adm. Code 101.106, and any such filing will be construed as the filing of an amended petition which restarts the Board's 120 day decision timeclock; held for Agency Recommendation, Order by J. Marlin; 90-134, Village of Maple Park v. EPA, held for Agency Recommendation; 90-135, The Grigoleit Company v. EPA, held for Agency Recommendation; 90-136, Walter J. Maquet and Marlene J. Maquet, d/b/a Maquet's 66 Service v. EPA, accepted for hearing, Order by J. Marlin; Richard Worthen, Clarence Bohm, Harry Parker, George Arnold, City of Edwardsville, City of Troy, Village of Maryville, and Village of Glen Carbon v. Village of Roxana and Laidlaw Waste Systems (Madison), Inc., Accepted for hearing, Order by J. Marlin; 90-138, Envotech-Illinois, Inc. v. EPA, accepted for hearing, Order by J. Marlin; 90-139, People of the

State of Illinois v. Illinois Valley Paving Company, hearing mandatory; 90-140, People of the State of Illinois v. G & K Investments, Inc., Gary Cross and Kevin Leesman; 90-141, FIW, Inc. v. EPA, accepted for hearing, Order by J. Marlin; 90-142, Pulitzer Community Newspapers, Inc. v. EPA, accepted for hearing, Order by J. Marlin; 90-143, Ohio Grain Company v. EPA, accepted for hearing, Order by J. Marlin; 90-144, ESG Watts v. EPA, Order of the Board; 90-145, Flamingo Lake, Joseph P. Comer and Michelle S. Comer v. Gallatin National Company and Senator Roger A. Keats, President, held for duplicitous/frivolous determination; 90-146, Village of Matteson v. World Music Theatre, Jam Productions, Inc., Discovery South Group, Ltd., Gierczyk Development, Inc., held for duplicitous/frivolous determination; 90-147, City of Monmouth v. EPA, accepted for hearing, Order by J. Marlin; 90-148, Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc., held for duplicitous/frivolous determination; 90-149, Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc., held for duplicitous/frivolous determination; 90-151, People of the State of Illinois v. Thomas Steel Corporation, hearing mandatory.

The provisional variance requested in new case #90-150, National Steel, Granite City Division v. EPA, was granted by a vote of 5-1. J. Dumelle dissented. (JCM)

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##90-47, ESG Watts; 90-49, Waste Hauling; 90-64, Louis Mund; 90-65, Arthur Fields; 90-66, Sandra L. Petroff; 90-67, Timothy E. Doctor; 90-70, James Rhodes.

These Administrative Citations were received by the Board: #90-62, Leland Tucker; 90-63, Leland Tucker; 90-64, Louis Mund (See AC Appeals); 90-65, Sandra L. Petroff (See AC Appeals); 90-67, Timothy E. Doctor (See AC Appeals); 90-68, Dale Klohr; 90-69, Everett Allen; 90-70, James Rhodes (See AC Appeals); 90-71, Everett Allen; 90-72, Johnson Blackwell; 90-73, Robert E. Spaenhower; 90-74, Laidlaw Waste System.

Minutes of the July 19, 1990 Board Meeting were approved by a vote of 6-0.


In these other new cases these actions were taken by a vote of 6-0: ##90-152, People of the State of Illinois v. Panhandle Eastern Pipeline, hearing mandatory; 90-153, Village of Hanover v. EPA, provisional variance granted, Order by J. Marlin; 90-154, City of White Hall v. EPA, provisional variance granted, Order by J. Marlin; 90-155, Electric Energy, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-156, North Chicago Refinery v. EPA, provisional variance granted, Order by J. Marlin; 90-157, Prefinish Metals, Inc. v. EPA, provisional variance granted, Order by J. Marlin; 90-158, Eureka Company v.

EPA, provisional variance granted, Order by J. Marlin; 90-159, Amoco Petroleum Additives Company v. EPA, provisional variance granted, Order by J. Marlin; 90-160, People of the State of Illinois v. John Boos and Company, hearing mandatory.

The Board will hold an Administrative session at 1:30 p.m.

All other matters not disposed of as listed were ordered held to August 30, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 15th day of September, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 9, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031
10:30 A.M.

DECISIONS:

87-209 Reed-Custer (JA) _____
88-127 Peter Arendovich (JM) _____
AC 89-18 J & R Landfill (JM) _____
(B)
* 89-183 City of Batavia (JTM)(due 10/25)

AC 89-227 Jack Wright (RF) _____
(A & B)
AS 90-1 City of Jacksonville (JA) _____
* 90-43 Town of Cortland (RF)(due) _____
90-69 Material Service Corporation (MN) (Stip)

90-72 Cleveland Corporation (MN) (Stip)

* 90-74 Lawrence Brothers (JD)(due) _____
90-78 Support Terminal Services (JM) (Stip)

90-84 We-Toast Bread Company, Inc. (JM) (Stip)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R88-7 Landfill Rules, Adopted Rules, Final Order, Opinion and Order (JA) _____
- R88-26 Safe Drinking Water Act, Adopted Rule, Final Order, Opinion and Order (JA) _____
- R89-13 DENR Categorization, Adopted Rule, Final Order, Opinion and Order (JA) _____
- R90-2 RCRA Update, USEPA Regulations (July 1, 1989 through December 31, 1989), Reconsideration Order (See Big River Zinc Corporation's motion for reconsideration and clarification filed 7/24 and motion for leave to address the Board filed 8/2 (JA) _____

AC DECISIONS:

- 90-45 Everett Allen _____
- 90-46 Herb Endrijaitas _____
- 90-48 City of Monmouth _____
- 90-50 John Sexton Contractors _____
- 90-51 Everett Allen _____

AC MOTIONS:

- 90-27 Johnson Blackwell - Respondent's motion to reconsider or vacate May 24, 1990 Default Order (6/27), Agency response to motion to vacate (7/12), Respondent's response (7/25)(JM) _____
- 90-40 Steve Zimmerman - Respondent's motion to dismiss (7/27) (JM) _____

MOTIONS:

- 85-95 Citizens Utilities Company - Petitioner's motion for reconsideration of May 24, 1990 Opinion and Order (6/22) (JA) _____

MOTIONS: (Cont'd)

- 86-3 City of Oglesby - Petitioner's motion for reconsideration of June 7, 1990 Board Order and Amended Petition (6/29), Agency motion to file Instanter (7/26)(JA)
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- 86-4 City of Morris - Petitioner's motion to modify May 18, 1988 Board Order (7/26), Agency response to Petitioner's motion to modify Board Order (8/7)(JD)
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- 86-48 Wells Manufacturing - Petitioner's response to July 3, 1990 Board Order (7/27), Agency response to July 3, 1990 Board Order (8/3), Objection (8/8)(RF)
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- 87-89 Cargill, Inc. - Petitioner's response to June 21, 1990 Board Order (8/8), Agency request for extension of time (8/8)(BF)
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- 88-25 Modine Manufacturing - Petitioner's motion for additional time to respond to July 3, 1990 Board Order (7/27)(JA)
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- 89-61 Village of Beecher - Respondent's motion to dismiss complaint or for alternative relief (7/27), Complainant's response to motion to dismiss (8/6)(JM)
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- 89-64 Gallagher Asphalt - Respondent's motion for extension of time to complete construction of an Earthen Berm (7/27)(BF)
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- 89-87) Moline Corporation - Status report Order (JM)
89-44)
-
- 89-88 Hydraulics, Inc. - Board Order (JM)
-
- 89-89 Motor Wheel Corporation - Status report Order (JM)
-
- 89-151 Brian J. Peter - Respondents motion to dismiss (7/30)(RF)
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- 89-168 Phyllis A. Daidone - Complainant's motion to dismiss Complaint as Moot (7/24)(JM)
-
- 89-169 John & Jean Zarlenga - Complainants' motion to add Party Defendants (8/7)(JA)
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MOTIONS: (Cont'd)

- 89-212 City of Braidwood - Petitioner's motion for extension of time to file motion to reconsider June 21, 1990 Opinion and Order (7/26), motion for reconsideration by John Dixon (8/6)(JA) _____
- 90-3 Calvary Temple Church - Agency motion to stay pending appeal (8/6)(RF) _____
- 90-6 Koppers Industries - Petitioner's motion to voluntarily dismiss and withdraw petition for review (7/25)(JM) _____
- 90-7 Blue Tee Corporation - Respondent's motion for reconsideration and/or modification of July 19, 1990 Board Order (7/27)(MN) _____
- 90-20 Jefferson Smurfit - Petitioner's motion to withdraw permit appeal (7/26)(JM) _____
- 90-40 Waste Management - Petitioner's motion to withdraw documents (5/31), Agency response to July 3, 1990 Board Order (7/12)(JM) _____
- 90-82 O'Brien Cogeneration - Petitioner's motion to withdraw (8/2)(JM) _____
- 90-89 Fred Johnson et al. - Respondent's motion to dismiss (8/1) _____
- 90-95 ESG Watts - Agency motion to dismiss (8/2)(JM) _____
- 90-98 Aggrecon Corporation - Board Order (JM) _____
- 90-118 Land and Lakes - Petitioner's motion to supplement Agency Record (7/20), Agency motion for extension of time to reply to Petitioner's motion to supplement Agency Record (7/24)(JM) _____
- R81-19 Citizens Utilities - Petitioner's motion for reconsideration of July 3, 1990 Opinion and Order (8/3)(JD) _____

DISCUSSIONS:

- AC 89-224 John Vander (MN) _____
(A & B)

DISCUSSIONS: (Cont'd)

- AC 89-304 G & M Wrecking (JA) _____
(A & B)
- * 90-94 D & L Landfill (MN)(due 8/30) _____
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REGULATORY DISCUSSIONS:

- R86-9 Hazardous Waste Prohibitions, Opinion and Order (JD)
(B) _____
- R89-14 Groundwater Quality Standards, Proposed Rule, First
Notice, Proposed Opinion and Order (RF) _____
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AMENDED PETITIONS:

- 90-102 State Oil (filed 7/20) _____
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NEW CASES:

- 90-131 City of Aurora v. EPA _____
- 90-134 Village of Maple Park v. EPA _____
- 90-135 The Grigoleit Company v. EPA _____
- 90-136 Walter J. Maquet and and Marlene J. Maquet, d/b/a
Maquet's 66 Service v. EPA _____
- 90-137 Richard Worthen et al. v. Village of Roxana and Laidlaw
Systems, Inc. _____
- 90-138 Envotech-Illinois, Inc. v. EPA _____
- 90-139 People of the State of Illinois v. Illinois Valley
Paving Company _____
- 90-140 People of the State of Illinois v. G & K Investments,
Inc., Gary Cross and Kevin Leesman _____
- 90-141 FIW, Inc, v. EPA _____
- 90-142 Pulitzer Community Newspapers, Inc. v. EPA _____
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NEW CASES: (Cont'd)

- 90-143 Ohio Grain Company v. EPA _____
- 90-144 ESG Watts v. EPA _____
- 90-145 Flamingo Lake, Joseph P. Comer and Michelle S. Comer v. Gallatin National Company and Senator Roger A. Keats, President _____
- 90-146 Village of Matteson v. World Music Theatre, Jam Productions, Inc., Discovery South Group, Ltd., Gierczyk Development, Inc. _____
- 90-147 City of Monmouth v. EPA _____
- 90-148 Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. B & M Steel Service Center, Inc. _____
- 90-149 Carl Madoux, Alice Madoux, Glenn Moody and Margaret Moody v. Straders Logging and Lumber Mill _____
- 90-150 National Steel, Granite City Division v. EPA (Provisional Variance)(JM) _____
- 90-151 People of the State of Illinois v. Thomas Steel Corporation _____

AC APPEALS:

- 90-47 ESG Watts _____
- 90-49 Waste Hauling _____
- 90-64 Louis Mund _____
- 90-65 Arthur Fields _____
- 90-66 Sandra L. Petroff _____
- 90-67 Timothy E. Doctor _____
- 90-70 James Rhodes _____

NEW AC CASES:

- 90-62 Leland Tucker _____

NEW AC CASES: (Cont'd)

- 90-63 Leland Tucker _____
- 90-64 Louis Mund (SEE AC APPEALS)
- 90-65 Sandra L. Petroff (SEE AC APPEALS)
- 90-67 Timothy E. Doctor (SEE AC APPEALS)
- 90-68 Dale Klohr _____
- 90-69 Everett Allen _____
- 90-70 James Rhodes (SEE AC APPEALS)
- 90-71 Everett Allen _____
- 90-72 Johnson Blackwell _____
- 90-73 Robert E. Spaenhower _____
- 90-74 Laidlaw Waste Systems _____

MINUTES:

July 19, 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)
 86-48 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)
 86-210 Hillview Farms Fertilizers (JM)
 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)
 * 88-78 Abbott Laboratories (BF)(open waiver)
 88-139 John Sexton (Remand)(BF)
 * 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)
 89-61 Village of Beecher (JM)
 89-64 Gallagher Asphalt (BF)
 89-151 Brian J. Peter (RF)
 89-155 Decor Gravure (JA)
 AC 89-156 John Gordon (BF)
 89-159 Crown Cork & Seal Company (JA)
 89-169 John & Jean Zarlenga (JA)
 * 89-170 Centralia Environmental Services (MN)
 89-179 Tony & Patricia Martin (MN)
 89-182 Robert & Joan Kvatsak (BF)
 89-186 Bulk Molding Compounds (BF)
 89-201 Crown Cork & Seal (JM)
 89-205 Vito Zivoli (MN)
 AC 89-224 John Vander (MN)
 AC 89-258 Donald Taylor (BF)
 AC 89-292 Land and Lakes (JM)
 AC 89-304 G & M Wrecking Company (JA)
 90-12 Hysan Corporation (MN)
 90-13 ABC Rail Corporation (JD)
 90-19 DuPage Plating Company (JD)
 AC 90-38 Harold Fults (JD)
 * 90-53 Industrial Fuels (JD)(due 9/13)
 90-68 Oscar Mayer Foods (MN)
 90-92 Lennon Wallpaper Company (MN)
 90-93 Magnaflux Corporation (JA)
 * 90-100 City of Ottawa (RF)(due 9/27)
 90-102 State Oil Company (JTM)
 90-106 Village of Ipava (RF)
 * 90-122 City of Lockport (JM)(due 10/25)
 * 90-130 Borden Chemicals & Plastics (BF)(due 10/25)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 9, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031
10:30 A.M.

ADDENDUM

NEW CASES:

- 90-152 People of the State of Illinois v. Panhandle
Eastern Pipeline _____
- 90-153 Village of Hanover v. EPA (Provisional Variance)
(JM) _____
- 90-154 City of White Hall v. EPA (Provisional Variance)
(JM) _____
- 90-155 Electric Energy, Inc. v. EPA (Provisional Variance)
(JM) _____
- 90-156 North Chicago Refinery v. EPA (Provisional
Variance) (JM) _____
- 90-157 Prefinish Metals, Inc. v. EPA (Provisional
Variance) (JM) _____
- 90-158 Eureka Company v. EPA (Provisional Variance) (JM)

- 90-159 Amoco Petroleum Additives, Company v. EPA
(Provisional Variance) (JM) _____