

**MINUTES OF REGULAR BOARD MEETING
JULY 3, 1990 CHICAGO, ILLINOIS**

All Board Members were present. Chairman Marlin called the meeting to order. Thereafter, Board Member J. Dumelle introduced his new attorney assistant, Tim Dwyer.

An Opinion and Order was adopted in #88-199, Seegers Grain, by a vote of 4-3. J. Dumelle, J. Anderson and J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #AC 89-131(B), ESG Watts, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #90-16, Solo Cup Company, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-70, Caravelle Wood Products, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-71, Lutheran General Hospital, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-79, Pioneer Plating Company, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-80, Nobert Plating Company, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-81, U.S. Plating Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-85, George M. Eliopoulos, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-87, Jernberg Industries, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

In R81-19, Citizens Utilities Company (Remand), an Opinion and Order was adopted by a vote of 6-0. R. Flemal abstained and B. Forcade concurred. (JD)

In R89-16(B), RACT Deficiencies, a dismissal Order was adopted by a vote of 7-0. (JD)

In R90-2, RCRA Update, USEPA Regulations (July 1, 1989 through December 31, 1989), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R90-16, Correction to 35 Ill. Adm. Code 102.162, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

A Default Order was adopted in this Administrative Citation by a vote of 7-0: #90-39, Howell Oil Company.

By a vote of 4-3, an Order directing the parties to submit a status report to the Board by August 3, 1990, was adopted in #85-164, Western Illinois Power. Messrs. J. Dumelle, J. Theodore Meyer and M. Nardulli dissented. (JM)

An Order directing the parties to file a status report on or before August 3, 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 #86-48, Wells Manufacturing Company, by a vote of 7-0. (RF)

By a vote of 7-0, Petitioner's motions for leave to file Instanter its response to a June 7, 1990 Order and to remand its permit appeal to the Agency for further action consistent with the site-specific relief granted in R87-36 were granted in #86-124, Modine Manufacturing Company. (JM)

By a vote of 7-0, an Order directing the Petitioner to inform the Board on or before July 27, 1990 of what effect, if any, the Board's determination in R87-36 has on the scope of the relief requested in #88-25, Modine Manufacturing. (JA)

By a vote of 6-1, Petitioner's motions to strike Agency response to reply and verification and for reconsideration were granted and upon reconsideration the Board declined to grant the relief requested in the motion for reconsideration in #88-151, Citizens Utilities Company. R. Flemal dissented and J. Dumelle concurred. (JA)

Respondent's motion for additional time to respond to a May 24, 1990 Board Order was granted until July 31, 1990 in #89-151, Geneva Meat and Fish Market, by a vote of 7-0. (RF)

Agency motion for leave to file a reply to Petitioner's variance petition in #89-184, The Grigoleit Company, was referred to the Hearing Officer for disposition.

Petitioner's motion to withdraw and dismiss its variance petition in #90-29, Laclede Steel Company, was granted by a vote of 7-0. (BF)

Respondent's motion for extension of time in which to file an answer to the complaint in #90-61, Duraco, was granted until July 16, 1990 by a vote of 7-0. (JM)

By a vote of 7-0, an Order denying Dr. and Mrs. James Kroner's motion to dismiss and granting the Agency's request for additional information contained in its June 27 response was adopted in #90-102, State Oil Company. Also, the Petitioner was directed to file an amended petition responding to the informational deficiencies noted in the Agency's response on or before July 23, 1990. Should the July 23 filing deadline prove to be impractical, the Hearing Officer was given the authority, upon timely motion, to extend the deadline for filing the amended petition up to 60 days, provided that the amended petition is received no later than seven days prior to the first scheduled hearing. (JTM)

By a vote of 7-0, Agency motion for reconsideration was granted in part and denied in part in R89-16(A), RACT Deficiencies. (JD)

Petitioner's motion to voluntarily withdraw its petition in #AS 89-5, Safety-Kleen, was granted by a vote of 7-0. (BF)

These cases were discussed and held to July 19, 1990 for further discussion or possible decision: ##87-209, Reed-Custer; 88-128, Peter Arendovich; 89-129, National Environmental Services; 90-45, Minnesota Mining.

These regulatory matters were discussed and held to July 19, 1990 for further discussion or possible decision: R86-9(B), Landfilling Hazardous Waste; R88-30(B), Gasoline Volatility, Proposed Rule, First Notice, Order; R89-14, Groundwater Quality Standards, Proposed Rule, First Notice, Proposed Opinion and Order.

This Adjusted Standard was discussed and held to July 19, 1990 for further discussion or possible decision: 90-1, City of Jacksonville.

In new cases these actions were taken by a vote of 7-0: ##90-108, Joseph B. Stratton and Pamela J. Stratton v. Charles M. Rock and Little Caesar's Pizza (Peoria Heights), accepted for hearing; 90-121, Del Monte Foods, USA v. EPA, proceedings dismissed and docket closed and in the interests of administrative economy the Board requested that when the Agency recommends that a provisional variance be denied, that the petition not be forwarded to the Board, Order by J. Marlin; 90-122, City of Lockport v. EPA, held for Agency Recommendation; 90-123, City of White Hall v. EPA, provisional variance granted, Order by J. Marlin; R90-16, Correction to 35 Ill. Adm. Code 102.162 (See Decisions).

These Administrative Citations were received by the Board: ##90-48, City of Monmouth; 90-49, Waste Hauling Landfill, Inc.; 90-50, John Sexton Contractors Company; 90-51, Everett Allen.

Minutes of the June 21, 1990 Board Meeting were approved by a vote of 7-0.

By a vote of 7-0, the Board granted the Petitioner and the Agency until the close of business on July 17, 1990 to submit briefs that address the general propriety of a return of the documents requested in Petitioner's motion to withdraw documents dated May 31, 1990 in #90-40, Waste Management. (JM)

An Opinion and Order was adopted in #90-41, Village of Elburn, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

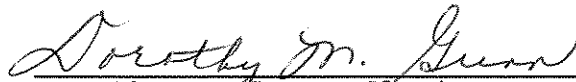
Chairman Marlin presented a draft Order in #89-183, City of Batavia. Motion to amend by B. Forcade and seconded by J. Dumelle failed by a vote of 3-4 with B. Forcade, J. Dumelle and R. Flemal for it and J. Anderson, J. Marlin, J. Theodore Meyer and M. Nardulli against it. Upon the Board's own motion, the Order striking the following materials which were docketed and entered into the record on June 12, 1990, was then adopted by a vote of 4-3: Respondent's Exhibit 6 from PCB 89-212, City of Braidwood; Petitioner's Exhibit 2 from PCB 89-212, City of Braidwood; and Motion to Supplement the Record, filed May 2, 1990 by the Illinois Environmental Protection Agency in PCB 89-212, City of Braidwood. Messrs. J. Dumelle, R. Flemal and B. Forcade dissented. (JM)

By a vote of 7-0, the parties were ordered to provide, no later than August 6, 1990, the executed settlement agreement or a report on the status of the proceedings in #89-186, Bulk Molding Compounds. (BF)

In other new cases these actions were taken by a vote of 7-0: #90-124, People of the State of Illinois v. Rock Valley Oil and Chemical Company, hearing mandatory; 90-125, City of Polo v. EPA, provisional variance granted, Order by J. Marlin.

All other matters not disposed of as listed were ordered held to July 19, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of July, 1990, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



STATE
OF
ILLINOIS

POLLUTION CONTROL BOARD

STATE OF ILLINOIS CENTER • 100 WEST RANDOLPH STREET • SUITE 11-500 • CHICAGO, ILLINOIS 60601 • 312-814-3620

JOHN C. MARLIN, CHAIRMAN
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J. THEODORE MEYER
CHICAGO, ILLINOIS

MICHAEL L. NARDULLI
CHICAGO, ILLINOIS

NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for July 6, 1990 has been changed to July 3, 1990. This meeting will be held in Conference Room 9-031 and will begin at the regular time of 10:30 a.m.

A handwritten signature in cursive script that reads "John C. Marlin".

JOHN C. MARLIN
Chairman

Posted and circulated June 29, 1990

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 3, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031
10:30 A.M.

ADDENDUM

DECISIONS:

- * 90-41 Village of Elburn (RF)(due 7/19)
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MOTIONS:

- 89-183 City of Batavia - Board Order (JM)
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- 89-186 Bulk Molding - Status Report Order (BF)
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NEW CASES:

- 90-124 People of the State of Illinois v. Rock Valley Oil
and Chemical Company
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- 90-125 City of Polo v. EPA (Provisional Variance)(JM)
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ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 3, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031
10:30 A.M.

DECISIONS:

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

AC 89-131 ESG Watts, Inc. (MN) _____
(B)

90-16 Solo Cup Company (JM) (Stip)

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

90-71 Lutheran General Hospital (JM) (Stip)

90-79 Pioneer Plating Company (JM) (Stip)

90-80 Nobert Plating Company (JM) (Stip)

90-81 U.S. Plating Corporation (JM) (Stip)

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

90-87 Jernberg Industries, Inc. (JM) (Stip)

R81-19 Citizens Utilities Company (Remand), Opinion and Order
(JD) _____

R89-16 RACT Deficiencies, Dismissal Order (JD)
(B) _____

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R90-2 RCRA Update, USEPA Regulations (July 1, 1989 through December 31, 1989), Adopted Rule, Final Order, Opinion and Order (JA)
-
- R90-16 Correction to 35 Ill. Adm. Code 102.162, Proposed Rule, First Notice, Opinion and Order (JTM)
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AC DECISIONS:

- 90-39 Howell Oil Company
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AC MOTIONS:

- 90-27 Johnson Blackwell - Respondent's motion to reconsider or vacate May 24, 1990 Default Order (6/27)(JM)
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MOTIONS:

- 85-95 Citizens Utilities Company - Petitioner's motion for reconsideration of May 24, 1990 Opinion and Order (6/22) (JA)
-
- 85-164 Western Illinois Power - Status Report Order (JM)
-
- 86-3 City of Oglesby - Petitioner's motion for reconsideration of June 7, 1990 Board Order and Amended Petition (6/29)(JA)
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- 86-48 Wells Manufacturing - Court Remand Board Order (RF)
-
- 86-124 Modine Manufacturing - Petitioner's motion for leave to file Instanter response to June 7, 1990 Board Order and motion for Remand (6/29)(JD)
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- 88-25 Modine Manufacturing - Board Order (JA)
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- 88-52 City of Ottawa - Petitioner's motion for modification of October 18, 1989 Board Order (7/2)(RF)
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MOTIONS: (Cont'd)

- 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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- 89-151 Geneva Meat and Fish Market - Respondent's motion for additional time to respond to May 24, 1990 Board Order (6/14)(RF)
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- 89-184 The Grigoleit Company - Agency motion for leave to file a reply to Petitioner's response (6/27)
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- 90-29 Laclede Steel Company - Petitioner's motion to withdraw and dismiss variance petition (6/20)(BF)
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- 90-40 Waste Management - Petitioner's motion to withdraw documents (5/31)
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- 90-61 Duraco, Inc. - Respondent's motion for extension of time (6/15)(JM)
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- 90-102 State Oil Company - Respondents motion to dismiss (6/13), Petitioner's response to Respondents motion to dismiss (6/26), Agency response to Petition for Well Water Setback Exception (6/27)(JTM)
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- R89-16 RACT Deficiencies - Agency motion for reconsideration of (A) May 10, 1990 Final Order (6/14), response of the Illinois Environmental Regulatory Group to Agency motion for reconsideration (6/29)(JD)
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ADJUSTED STADARDS MOTIONS:

- 89-5 Safety-Kleen - Petitioner's motion to voluntarily withdraw petition (6/22)
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DISCUSSIONS:

- 87-209 Reed-Custer (JA)
-

DISCUSSIONS: (Cont'd)

- 88-128 Peter Arendovich (JM) _____
- * 89-129 National Environmental Services (BF)(due 7/19)

- * 90-41 Village of Elburn (RF)(due 7/19) _____
- * 90-45 Minnesota Mining (BF)(due 8/9) _____
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REGULATORY DISCUSSIONS:

- R86-9 Landfilling Hazardous Waste (JD) _____
(B)
- R88-30 Gasoline Volatility (JD) _____
(B)
- R89-14 Groundwater Quality Standards, Proposed Rule, First
Notice, Proposed Opinion and Order (RF)

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ADJUSTED STANDARDS DISCUSSIONS:

- 90-1 City of Jacksonville, Opinion and Order (JA)

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NEW CASES:

- 90-108 Joseph B. Stratton and Pamela J. Stratton v. Charles M.
Rock and Little Caesar's Pizza (Peoria Heights)

- 90-121 Del Monte Foods, USA v. EPA (Provisional Variance)(JM)

- 90-122 City of Lockport v. EPA _____
- 90-123 City of White Hall v. EPA (Provisional Variance)(JM)

- R90-16 Correction to 35 Ill. Adm. Code 102.162 (SEE DECISIONS)

NEW AC CASES:

- 90-48 City of Monmouth _____
 - 90-49 Waste Hauling Landfill, Inc. _____
 - 90-50 John Sexton Contractors Company _____
 - 90-51 Everett Allen _____
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MINUTES:

June 21, 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)
 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)
 * 88-193 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)
 89-151 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)
 89-205 Vito Zivoli (MN)
 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)
 90-7 Blue Tee Corporation (MN)
 90-13 ABC Rail Corporation (JD)
 90-19 DuPage Plating Company (JD)
 * 90-43 Town of Cortland (RF)(due 8/9)
 * 90-53 Industrial Fuels & Resources/Illinois (JD)(due 8/9)
 90-64 Jeffrey Kilgus (BF)
 90-67 Allwaste Tank Cleaning (BF)
 90-68 Oscar Mayer Foods (MN)
 90-78 Support Terminal Services (JM)
 90-93 Magnaflux Corporation (JA)
 * 90-94 D & L Landfill (MN)(due 8/30)
 * 90-100 City of Ottawa (RF)(due 9/27)
 90-102 State Oil Company (JTM)
 90-106 Village of Ipava (RF)