

**MINUTES OF REGULAR BOARD MEETING
JUNE 7, 1990 CHICAGO, ILLINOIS**

All Board Members were present.

By a vote of 7-0, and upon Chairman Marlin's motion, the Board decided to reschedule the regular meeting set for July 6 to July 3, 1990. The Clerk will post a notice.

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

An Opinion and Order was adopted in #89-206, Chicago Steel Container, by a vote of 6-1. J. Theodore Meyer dissented. (JD)

An Opinion and Order was adopted in #90-14, PQ Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #90-15, Wisconsin Can Company, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

In R84-44, City of Pana, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JM)

In R90-3, UST 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 R90-9, Used and Waste Tire Regulations, an Order determining that an Economic Impact Study is not required, was adopted by a vote of 7-0. (JM)

Board Member J. Anderson presented a draft Opinion and Order in R88-7, Landfill Regulations. Motion by B. Forcade to delete Section 811.101(B) and seconded by J. Dumelle failed by a 2-5 vote with J. Dumelle and B. Forcade for it and J. Anderson, R. Flemal, J. Marlin, J. Theodore Meyer and M. Nardulli against. A proposal by J. Theodore Meyer to change the two year exemption for new landfills to one year was accepted as a friendly amendment and the Opinion and Order was then adopted by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##90-31, Lee Alexander; 90-35, Leroy Robinson.

Respondent's petition for reconsideration and clarification was denied in #AC 89-18 (Docket A & B), J & R Landfill, by a vote of 5-2. J. Dumelle and J. Anderson dissented. (JM)

Agency motion to withdraw complaint and dismiss action was granted in #AC 89-242, City of Rutland, by a vote of 7-0. (JM)

By a vote of 7-0, Respondent's motion to dismiss its petition for review was granted, and unless the penalty has already been paid, within 30 days of the entry of this Order, the Respondent was ordered to pay a penalty of \$500.00 in #AC 89-245, Bob White. (JM)

By a vote of 7-0, Respondent's motion to withdraw appeal was granted, and unless the penalty has already been paid, within 30 days of the entry of this Order, the Respondent was ordered to pay a penalty of \$500.00 in #AC 89-292 (Docket A), Land & Lakes Company. (JM)

Complainant's motion to dismiss in #AC 90-32, Mary Williams and Delores Bey, was granted by a vote of 7-0. (JM)

By a vote of 7-0, an Order requesting the parties to submit a status report no later than July 2, 1990, was adopted in #85-164, Western Illinois Power Cooperative. (JD)

An Order relinquishing jurisdiction and closing the docket in #86-3, City of Oglesby, was adopted by a vote of 6-1. J. Theodore Meyer dissented. (JA)

An Order requesting that the Petitioner file, no later than June 28, 1990, a motion to dismiss or other appropriate pleading addressing the mootness of the issues in its permit appeal in #86-124, Modine Manufacturing, was adopted by a vote of 7-0. (JD)

Respondent's petition to modify a September 8, 1988 Board Order in #86-193, City of Freeport, was denied by a vote of 7-0. (JM)

By a vote of 7-0, an Order requesting the parties to submit a status report no later than July 2, 1990, was adopted in #87-91, American Steel Container. (JD)

By a vote of 7-0, an Order directing the parties to submit a status report no later than October 1, 1990, was adopted in #87-150, Natural Gas Pipeline Company. (JD)

By a vote of 7-0, Complainants' motion to dismiss and join additional parties was granted and the case caption of the complaint was corrected to reflect the dismissal and joinder in #89-19, Daniel Lorden and Helen Lorden. (JM)

By a vote of 6-1, Petitioner's motion for leave to add additional counsel and to file supplemental exhibits was granted and because the additional exhibits submitted contained new information, the Board construed the filing as an amended petition and the 120 day decision timeclock was restarted as of June 4, 1990 in #89-183, City of Batavia. B. Forcade dissented. (JTM)

Board Member J. Anderson presented a draft Order to grant Complainant's motion to continue hearing in #90-73, Illinois Cement Company. Motion to deny Complainant's request by J. Theodore Meyer and seconded by M. Nardulli failed by a vote of 2-5 with J. Theodore Meyer and M. Nardulli for it and J. Anderson, J. Dumelle, R. Flemal, B. Forcade and J. Marlin against it. An amendment by J. Dumelle to strike a clause in the first paragraph of the draft Order and seconded by B. Forcade was accepted and the Order granting Complainant's motion to continue hearing for 120 days was adopted by a vote of 5-2. Messrs. J. Theodore Meyer and M. Nardulli dissented. (JA)

Petitioners James Ulmer, Eddie Ulmer, Duane Flowers and William Neers' motion to strike themselves as parties in #90-94, Horace File et al., was granted by a vote of 7-0. (MN)

By a vote of 7-0, the Board granted the Agency's motion to file Record Instanter in #90-95, ESG Watts. (JM)

These cases were discussed and held to June 21, 1990 for further discussion or possible decision: ##89-212, City of Braidwood; 89-213, Illinois Power Company.

This regulatory matter was discussed and held to June 21, 1990 for further discussion or possible decision: R81-19, Citizens Utilities Remand.

An Order inviting all participants to submit, no later than June 18, 1990, their version of the proposed regulatory language was adopted in R87-31, SO₂ Averaging, by a vote of 7-0. (BF)

In R89-16(B), RACT Deficiencies, the Board on its own motion, adopted an Order informing the Agency that this rulemaking will be subject to dismissal on June 21, 1990 unless the Board is notified by the Agency that it intends to proceed with the amendments contained within Subdocket (B). The vote was 7-0. (JD)

This regulatory matter was discussed and held to June 21, 1990 for further discussion or possible decision: R88-21(B), Water Toxics, Adopted Rule, Final Order, Opinion and Order.

This adjusted standard was discussed and held to June 21, 1990 for further discussion or possible decision: #89-2, Elizabeth Street Foundry.

This amended petition was accepted for hearing and the 120 day decision timeclock was restarted with its filing: #90-65, General Electric. (BF)

In new cases these actions were taken by a vote of 7-0: ##90-99, The UNO-VEN Company v. EPA, Agency motion to dismiss for want of

jurisdiction granted and proceedings dismissed, Order by B. Forcade; 90-103, People of the State of Illinois v. J.D. Plating Works, hearing mandatory; 90-104, People of the State of Illinois v. L & B Wood Corporation, hearing mandatory; 90-105, People of the State of Illinois v. Evangelical Health Systems, a/k/a Christ Hospital, hearing mandatory; 90-106, EPA v. Village of Ipava, hearing mandatory.

Because Petitions for Review were received, a hearing will be set in these Administrative Citations: ##90-36, ESG Watts, Inc.; 90-38, Harold Fults; 90-40, Steve Zimmerman and Waste Limited. (Thereafter J. Theodore Meyer's motion to accept new case #90-106 was granted and the vote was changed from 7-0 to 6-1. J. Theodore Meyer dissented)

In R88-26, Safe Drinking Water Regulations, an Order granting an Agency request to extend the post-adoption comment period until July 17, 1990, was adopted by a vote of 7-0. (JA)

This Administrative Citation was received by the Board: #90-41, City of Alton.

Minutes of the May 24, 1990 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to June 21, 1990 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of June, 1990, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 7, 1990 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

AC 89-131 ESG Watts (MN) _____
(A & B)

89-206 Chicago Steel Container (JD) _____

90-14 PQ Corporation (JM) _____

90-15 Wisconsin Can Company (BF) _____

R84-44 City of Pana Site-Specific, Proposed Rule, First Notice,
Opinion and Order (JM) _____

R88-7 Landfill Regulations, Proposed Rule, Second Notice,
Proposed Opinion and Order (JA)

R90-3 UST Update, USEPA Regulations (July 1, 1989 through
December 31, 1989), Adopted Rule, Final Order, Opinion
and Order (JA) _____

R90-9 Used and Waste Tire Regulations, EcIS Determination
Order (JM) _____

AC DECISIONS:

90-31 Lee Alexander _____

90-35 Leroy Robinson _____

AC MOTIONS:

- 89-18 J & R Landfill - Respondent's petition for
(A & B) reconsideration and clarification (5/17), Respondent's
objections to Affidavit of Costs (6/4)(JM)
-
- 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)(JA)
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- 89-242 City of Rutland - Agency motion to withdraw complaint
and dismiss action (5/25)(JM)
-
- 89-245 Bob White - Respondent's motion to dismiss Petition for
Review (5/29)(JM)
-
- 89-292 Land and Lakes - Respondent's motion to withdraw appeal
(5/23)(JM)
-
- 90-32 Mary Williams & Delores Bey - Complainant's motion to
dismiss (6/4)(JM)
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MOTIONS:

- 85-164 Western Illinois Power - Status Report Order (JD)
-
- 86-3 City of Oglesby CSO - Board Order (JA)
-
- 86-124 Modine Manufacturing - Board Order (JD)
-
- 86-193 City of Freeport - Respondent's petition to modify
September 8, 1988 Board Order (5/17), Agency response to
Respondent's petition to modify September 8, 1988 Board
Order (5/29)(JM)
-
- 87-91 American Steel Container - Status Report Order (JD)
-
- 87-150 Natural Gas Pipeline - Board Order (JD)
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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)(JA)_____
- 89-19 Sheridan South Condominium - Complainants motion to dismiss and join additional party (5/24)(JM)_____
- 89-183 City of Batavia - Petitioner's motion for leave to appear as additional counsel and to file supplemental exhibits (6/4)(JTM)_____
- 90-3 Calvary Temple Church - Agency motion to reconsider April 26, 1990 Opinion and Order (5/30)(RF)_____
- 90-29 Laclede Steel Company - Agency motion for leave to file Recommendation Instanter (5/24)(JM)_____
- 90-40 Waste Management - Petitioner's motion to withdraw documents (5/31)_____
- 90-73 Illinois Cement Company - Board Order (JA)_____
- 90-89 Fred Johnson et al. - Respondents motion to strike (5/25)_____
- 90-94 Horace File et al. - Petitioners' motion to strike parties (6/4)(MN)_____
- 90-95 ESG Watts - Agency motion to file Record Instanter (5/29), Agency motion to strike (5/29)_____

DISCUSSIONS:

- * 89-212 City of Braidwood (JA)(due 6/21)_____
- * 89-213 Illinois Power Company (BF)(due 6/21)_____

REGULATORY DISCUSSIONS:

- R81-19 Citizens Utilities Remand (JD)_____

REGULATORY DISCUSSIONS: (Cont'd)

- R87-31 SO₂ Averaging, Proposed Rule, First Notice, Opinion and
Order (BF) _____
- R89-16 RACT Deficiencies, Order (JD) _____
(B)
- R88-21 Water Toxics, Adopted Rule, Final Order, Opinion and
(B) Order (RF) _____
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ADJUSTED STANDARD DISCUSSIONS:

- 89-2 Elizabeth Street Foundry (JD) _____
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AMENDED PETITIONS:

- 90-65 General Electric (filed 5/29)(BF) _____
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NEW CASES:

- 90-99 The UNO-VEN Company v. EPA (See also Agency motion to
dismiss filed 6/4 and Petitioner's response to Agency's
motion to dismiss filed 6/4) _____
- 90-103 People of the State of Illinois v. J.D. Plating Works,
Inc. _____
- 90-104 People of the State of Illinois v. L & B Wood
Corporation _____
- 90-105 People of the State of Illinois v. Evangelical Health
Systems, a/k/a Christ Hospital _____
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AC APPEALS:

- 90-36 ESG Watts, Inc. _____
- 90-38 Harold Fults _____
- 90-40 Steve Zimmerman & Waste Limited _____

NEW AC CASES:

90-41 City of Alton _____

MINUTES:

May 24, 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)
 86-3 City of Oglesby CSO (JA)
 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)
 AC 89-109 Fairview Heights (JM)
 * 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 7/19)
 89-186 Bulk Molding Compounds (BF)
 89-200 Ekco Glaco (JM)
 AC 89-224 John Vander (MN)
 AC 89-227 Jack Wright (RF)
 AC 89-258 Donald Taylor (BF)
 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)
 * 90-53 Industrial Fuels & Resources/Illinois (JD)(due 8/9)
 90-54 F & F Laboratories (MN)
 90-55 United American Metals (JM)
 90-56 Plochman, Inc. (MN)
 90-57 Lifetime Rooftile Company (MN)
 90-58 Arlington Plating Company (MN)
 90-64 Jeffrey Kilgus (BF)
 90-67 Allwaste Tank Cleaning (BF)

PENDING CASES ASSIGNED: (Cont'd)

90-70	Caravelle Wood Products (JM)
90-78	Support Terminal Services (JM)
* 90-94	D & L Landfill (MN)(due 8/30)
* 90-100	City of Ottawa (RF)(due 9/13)