

**MINUTES OF REGULAR BOARD MEETING
FEBRUARY 28, 1991 CHICAGO, ILLINOIS**

All Board Members were present save J. Dumelle who was ill.

An Opinion and Order was adopted in #AS 89-3, The Nutrasweet Company, by a vote of 6-0. (BF)

An Opinion and Order was adopted in #AC 89-258(B), Donald Taylor, by a vote of 5-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in ##AC 89-289(B), -290(B), James Gilmer, Archer-Daniels Midland, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-12, Hysan Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #AC 90-42(B), Robert Wheeler, by a vote of 5-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #90-66, Robinson Farm Services, by a vote of 5-1. J. Theodore Meyer dissented. (RCF)

An Opinion and Order was adopted in #90-180, Container Corporation of America, by a vote of 5-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #90-199, Department of the Army, by a vote of 6-0. (JA)

In R89-14(A & B), Groundwater Quality Standards, a Proposed Rule, First Notice, Order was adopted by a vote of 6-0. B. Forcade concurred. (RCF)

In R90-12, UST Update (January 1, 1990 through June 30, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

In R90-17, RCRA Delisting, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

In R91-2, UST Update (July 1, 1990 through December 31, 1990), a Proposal for Public Comment, Proposed Opinion and Order, was adopted by a vote of 6-0. (JA)

In R91-4, UIC Update (September 1, 1990 through December 31, 1990), a dismissal Order was adopted by a vote of 6-0. (JA)

In R91-6, PM₁₀ Emission Limits, an EcIS Determination Order was adopted by a vote of 6-0. (BF)

In R91-6, PM₁₀ Emission Limits, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (BF)

In R91-7, RACT Deficiencies (Chicago Area), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (JTM)

In R91-8, RACT Deficiencies (Metro-East Area), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (JTM)

Agency motion to withdraw the Administrative Citation and dismiss the action was granted in #AC 90-72, Johnson Blackwell, by a vote of 6-0. (JCM)

Petitioner's motion for extension of time in which to file its Chronic Test Report was granted until May 15, 1991 in #88-172, Allied-Signal, by a vote of 6-0. (MN)

An Order dismissing the proceedings in #88-195, McLean County Disposal, was adopted by a vote of 6-0. (JTM)

A Supplemental Opinion and Final Order was adopted in #89-151, Geneva Meat and Fish Market, by a vote of 6-0. (RCF)

Petitioner's motion to amend an August 9, 1990 Opinion and Order was denied in #89-183, City of Batavia, by a vote of 4-2. J. Anderson and R.C. Flemal dissented. (JTM)

Petitioner's motion for reconsideration of a December 20, 1990 Board Order was denied in #90-46, Rockford Drop Forge, by a vote of 6-0. (MN)

Respondent's motion to reconsider denial of hearing reopening in #90-62, Sure-Tan, will be taken with the case-in-chief.

Petitioner's motion to voluntarily dismiss was granted in #90-138, Envotech-Illinois, by a vote of 6-0. (BF)

Agency motion for reconsideration of a December 20, 1990 Board Order was denied in #90-142, Pulitzer Community Newspapers, by a vote of 6-0. (MN)

Petitioner's motion to voluntarily dismiss was granted in #90-179, Acme Finishing Company, by a vote of 6-0. (BF)

Agency motion for extension of time to file its record was granted until April 1, 1991 in #90-225, B.F. Goodrich, by a vote of 6-0. (JCM)

Agency motion to file its permit record Instanter was granted in #90-244, General Electric Company, by a vote of 6-0. (JCM)

Agency motion for an additional extension of time to file its record was granted until June 19, 1991 in #91-3, Cerro Copper Products, by a vote of 6-0. (JCM)

Agency motion to dismiss was denied in #91-5, Marjorie B. Campbell, by a vote of 6-0. (JCM)

Board Member B. Forcade motion for reconsideration of a prior Board Order adopted in #91-6, Quantum Chemical, was granted and upon reconsideration the February 7, 1991 Order was orally rescinded and vacated by a vote of 6-0.

Agency motion to dismiss was denied and additional information was requested in #91-11, Burlington Northern Railroad, by a vote of 6-0. (JA)

By a vote of 6-0, an Order was adopted pursuant to a motion to reissue a First Notice Opinion and Order filed by the McHenry County Defenders, Citizens for a Better Environment, and the Illinois Chapter of the Sierra Club in R89-5, Groundwater Technical Standards. (RCF)

These cases were discussed and held to March 14, 1991 for further discussion or possible decision: ##AC 90-59(A & B), Southern Pacific Railroad; 90-62, Sure Tan, Inc.

An Opinion and Order was adopted in #90-216, Clean Quality Resources, by a vote of 6-0. (MN)

Petitioner's motion for extension of time to file its response to the Agency's motion for summary judgment was granted until March 7, 1991 in #91-4, Sexton Environmental Systems, by a vote of 5-1. B. Forcade dissented. (JA)

In amended petitions these actions were taken by a vote of 6-0: #91-10, Amoco Oil Company, 120-day decision timeclock restarted with its filing; 91-12, Zeigler Coal, accepted for hearing, Order by J. Anderson.

In new cases these actions were taken by a vote of 6-0: ##91-29, Commonwealth Edison Company v. EPA, ordered held to March 14, 1991 for further consideration; 91-30, Susan A. Curtis and Marcy Diesing v. Material Service, Held for Duplicitous/Frivolous Determination; 91-31, Rockford Products Corporation v. EPA, accepted for hearing, Order by B. Forcade; 91-32, Village of Carbon Hill v. EPA, additional information requested, Order by J. Anderson; 91-33, Village of Milan v. EPA, additional information requested, Order by J. Anderson; 91-34, City of DeKalb v. EPA, held for Agency Recommendation; 91-35, Wisconsin Steel Trust v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-36, Shell Oil Company v. EPA, provisional variance granted, Messrs. B. Forcade

and J. Theodore Meyer concurred, Order by J.C. Marlin; 91-37, Maxwell Communications Corporation v. EPA, provisional variance granted, Messrs. B. Forcade and J. Theodore Meyer concurred, Order by J.C. Marlin.

These Administrative Citations were received by the Board: #91-4, Matt Burroughs; 91-5, Lincoln/Logan Landfill; 91-6, Lincoln/Logan Landfill.

By a vote of 6-0, this Adjusted Standard was accepted for hearing: #90-8, Olin Corporation.

An Order directing the Clerk of the Board to provide trade secret protection to Attachment L of the petition in #AS 91-1, Keystone Steel and Wire Company, was adopted by a vote of 6-0. (JA)

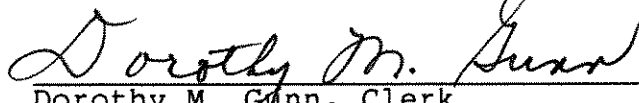
Minutes of the February 7, 1991 Board Meeting were approved by a vote of 6-0.

By a vote of 6-0, the Board approved a meeting schedule for FY91/92 which will be announced in the Board's Environmental Register.

The Board decided to hold a special Board Meeting on March 8, 1991. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to March 14, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 14th day of March, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 28, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

91-4 Sexton Environmental Systems - Petitioner's motion
for extension of time (2/27)

NEW ADJUSTED STANDARDS:

91-2 Petition of Ford Motor Company for Adjusted
standard from 35 Ill. Adm. Code 215.204(a)(1) (See
also motion for expedited consideration and
expedited hearing filed 2/27)

MEETING SCHEDULE FOR FY91/92:

<u>1991</u>	<u>1992</u>
July 11, 25	January 9, 23
August 8, 22	February 6, 27
September 12, 26	March 12, 26
October 10, 24	April 9, 23
November 7, 21	May 7, 21
December 5, 19	June 4, 25

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 28, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

AS 89-3 The Nutrasweet Company (BF) _____

AC 89-258 Donald Taylor (BF) _____
(B)

AC 89-289) James Gilmer - Archer-Daniels Midland (JCM)
89-290) _____
(B)

89-205 Vito Zivoli (MN) _____

90-12 Hysan Corporation (MN) (Stip) _____

AC 90-42 Robert Wheeler (BF) _____
(B)

90-66 People of the State of Illinois v. Robinson Farm
Services, Inc. (RF) (Stip) _____

* 90-177 A.K.A. Land, Inc. (JD)(due) _____

90-180 People of the State of Illinois v. Container Corporation
of America (JCM) (Stip) _____

* 90-199 Dept. of the Army (JA)(due) _____

R89-14 Groundwater Quality Standards, Proposed Rule, First
(A & B) Notice, Order (RF) _____

R90-9 Used and Waste Tire Regulations, Proposed Rule, Second
Notice, Opinion and Order (JCM) _____

R90-12 UST Update (January 1, 1990 through June 30, 1990) Final
Order, Opinion and Order (JA) _____

R90-17 RCRA Delisting, Adopted Rule, Final Order, Opinion and
Order (JA) _____

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: Cont'd)

- R91-2 UST Update (July 1, 1990 through December 31, 1990), Proposal for Public Comment, Proposed Opinion and Order (JA) _____
- R91-4 UIC Update (September 1, 1990 through December 31, 1990), Dismissal Order (JA) _____
- R91-6 PM₁₀ Emission Limits, EcIS Determination, Order (BF) _____
- R91-6 PM₁₀ Emission Limits, Proposed Rule, First Notice, Opinion and Order (BF) _____
- R91-7 RACT Deficiencies (Chicago Area), Proposed Rule, First Notice, Opinion and Order (JTM) _____
- R91-8 RACT Deficiencies (Metro-East Area), Proposed Rule, First Notice, Opinion and Order (JTM) _____

AC MOTIONS:

- 90-72 Johnson Blackwell - Agency motion to withdraw Administrative Citation and dismiss action (2/19)(JCM) _____
- 90-76 Johnson Blackwell - Agency motion to withdraw Administrative Citation, dismiss action and vacate Board Order of October 11, 1990 (2/19) _____
- 90-95 Johnson Blackwell - Agency motion to amend Administrative Citation and correct Board Order of January 24, 1991 (2/19) _____

MOTIONS:

- 88-172 Allied-Signal - Petitioner's motion for extension of time in which to file Chronic Test Report (2/14)(MN) _____
- 88-195 McLean County Disposal - dismissal Order (JTM) _____
- 89-151 Geneva Meat & Fish Market - Respondent's motion to reconsider and other relief (1/24), Complainant's objection to Respondent's motion to reconsider and other relief (2/4)(RF) _____

MOTIONS: (Cont'd)

- 89-183 City of Batavia - Petitioner's motion to amend August 9, 1990 Opinion and Order (1/18), Agency response to Petitioner's motion to amend Board Order (1/30)(JTM)
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- 90-46 Rockford Drop Forge - Petitioner's motion for reconsideration of December 20, 1990 Board Order (1/29), Agency response to Petitioner's motion for reconsideration (2/8)(MN)
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- 90-62 Sure-Tan - Respondent's motion to reconsider denial of hearing reopening (2/15)
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- 90-138 Envotech-Illinois - Petitioner's motion to voluntarily dismiss (2/19)(BF)
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- 90-142 Pulitzer Community Newspapers - Agency motion for reconsideration of December 20, 1990 Order (1/18), Petitioner's reply to Agency motion for reconsideration (1/23)(MN)
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- 90-179 Acme Finishing Company - Petitioner's motion to voluntarily dismiss (2/22)(BF)
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- 90-225 B.F. Goodrich - Agency motion for extension of time to file Record (2/25), Petitioner's statement of no objection to Agency motion for extension of time (2/25)
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- 90-244 General Electric Company - Agency motion to file Instanter and Agency Permit Record (2/11)
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- 91-3 Cerro Copper Products - Agency motion for an additional extension of time to file Record (2/27)
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- 91-4 Sexton Environmental Systems - Agency motion for summary judgment (2/25)(BF)
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- 91-5 Marjorie B. Campbell - Agency motion to dismiss (1/22), Petitioner's response to Agency's motion to dismiss (2/4), Agency's reply to Petitioner's response to motion to dismiss (2/19)(JCM)
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- 91-6 Quantum Chemical - Board motion to rescind prior Board Order (BF)
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- 91-7 Land and Lakes - Petitioner's motion to reconsider (2/19)
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MOTIONS: (Cont'd)

- 91-9 Sparkling Spring Water - Agency motion for summary judgment (2/5) _____
- 91-11 Burlington Northern Railroad - Agency motion to dismiss (2/8), Petitioner's memorandum in opposition to motion to dismiss (2/14)(JA) _____
- R89-5 Groundwater Technical Standards - motion to reissue First Notice Proposal and take other steps necessary to comply with statutory deadline (2/11)(RF) _____

DISCUSSIONS:

- AC 90-59 Southern Pacific Railroad (RF) _____
(A & B)
- 90-62 Sure Tan, Inc. (JCM) _____
- * 90-216 Clean Quality Resources (MN)(due 3/14) _____

REGULATORY DISCUSSIONS:

- R87-37 PWS Cross-Connection, Proposed Rule, First Notice, Opinion and Order (JD) _____

AMENDED PETITIONS:

- 91-10 Amoco Oil Company (filed 2/20)(BF) _____
- 91-12 Zeigler Coal (filed 2/25)(See also letter from Randolph County Farm Bureau filed 2/22)(JA) _____

NEW CASES:

- 91-29 Commonwealth Edison Company v. EPA (See also Objection of Sierra Club and petition to intervene filed 2/22 and Izaak Walton League of America filed 2/27) _____
- 91-30 Susan A. Curtis and Marcy Diesing v. Material Service _____

NEW CASES: (Cont'd)

- 91-31 Rockford Products Corporation v. EPA _____
- 91-32 Village of Carbon Hill v. EPA _____
- 91-33 Village of Milan v. EPA (JA)

- 91-34 City of DeKalb v. EPA _____
- 91-35 Wisconsin Steel Trust v. EPA (Provisional Variance)(JCM)

- 91-36 Shell Oil Company v. EPA (Provisional Variance)(JCM)

- 91-37 Maxwell Communications Corporation v. EPA (Provisional
Variance) (JCM) _____
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NEW AC CASES:

- 91-4 Matt Burroughs _____
- 91-5 Lincoln/Logan Landfill, Inc. _____
- 91-6 Lincoln/Logan Landfill, Inc. _____
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ADJUSTED STANDARDS MOTIONS:

- 90-8 Olin Corporation - Agency amended response to December
20, 1990 Board Order (2/4)(JA) _____
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NEW ADJUSTED STANDARDS:

- 91-1 Petition of Keystone Steel and Wire Company for
Hazardous Waste Delisting (See also Petitioner's letter
of justification for Trade Secret material filed 1/22;
Agency motion to continue Adjusted Standard Proceeding
(1/30), Petitioner's response to Agency motion to
continue (1/31), Petitioner's motion to postpone
publication of notice of petition (2/20)(JA)

MINUTES:

February 7, 1991 Board Meeting _____

POSSIBLE CHANGE IN MEETING DATE:

From May 23, 1991 to May 24 or to May 28, 1991 (per Mr. Dumelle's request) _____

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)
 86-4 City of Morris CSO (JD)
 86-56 Trilla Steel Drum (Remand)(BF)
 86-57) Village of Sauget (Remand)(RF)
 86-58)
 86-62) Monsanto Company (Remand)(RF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-91 American Steel Container, Drum Shop (MN)(due 3/28)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JM)
 * 88-25 Modine Manufacturing (JA)(open waiver)
 * 88-78 Abbott Laboratories (JD)(open waiver)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 89-44) Moline Corporation (BF)
 89-87)
 89-94 Reichhold Chemicals (Remand)(BF)
 89-151 Brian J. Peter (RF)
 AC 89-156 John Gordon (BF)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 89-179 Tony & Patricia Martin (MN)
 AC 89-215 Omer Thomas (BF)
 90-12 Hysan Corporation (MN)
 90-18 Robert Propheter (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38 Harold Fults (JD)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59 Southern Pacific Railroad (RF)
 90-61 Duraco, Inc. (JCM)
 AC 90-79 Al Springman (JA)
 AC 90-81 George Ribble (JA)
 * 90-95 ESG Watts (JD)(due 3/28)
 90-102 State Oil Company (JTM)
 90-108 Joseph & Pamela Stratton (JD)
 90-111 Seegers Grain Company (JA)
 90-112 Chicago Heights Refuse Depot (RF)
 * 90-122 City of Lockport (JCM)(due 5/23)
 90-135 The Grigoleit Company (BF)
 * 90-144 ESG Watts (JTM)(due 3/28)
 90-146 Village of Matteson (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 90-173 Earl R. Bradd (JA)(due 4/25)
 90-217 Raging Rivers Park (MN)

PENDING CASES ASSIGNED: (Cont'd)

90-218 A.B. Dick Company (RF)
* 90-224 City of Prospect Heights (RF)(due 3/28)
* 90-228 City of Mt. Vernon (JD)(due 5/23)
* 90-229 North Suburban Public Utility ((RF)(due 3/28)
90-230 F.S. Madison Service Company (JCM)
* 90-231 Frank Whitlock (JTM)(due 4/11)
* 90-239 Madison County Conservation (BF)(due 4/11)
* 91-2 Olin Corporation (JCM)(due 4/25)
* 91-7 Land and Lakes (JA)(due 8/27)
91-19 Sun Ag, Inc. (JA)
91-20 Amoco Petroleum Additives (JCM)
* 91-21 Village of Gardner (JCM)(due 5/23)
* 91-22 City of Minonk (RF)(due 5/23)