

**MINUTES OF REGULAR BOARD MEETING
APRIL 25, 1991 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Marlin encouraged everyone that could to attend the Earth Day 1991 conference entitled "Working Together to Manage Waste", to be held May 7, 8, 1991 at the Bismarck Hotel Pavillon Room. All Board Members were present.

An Interim Opinion and Order was adopted in #90-146, Village of Matteson, by a vote of 7-0. J. Theodore Meyer concurred. (BF)

An Opinion and Order was adopted in #90-217, Raging Rivers Water Park, by a vote of 6-1. J. Dumelle dissented. (MN)

In R88-14, Pharmaceuticals, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JD)

In R89-7(B), Repeal of NESHAPS, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JD)

In R90-9(A & B), Used and Waste Tire Regulations, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #91-4, Sexton Environmental Systems, by a vote of 4-3. Messrs. J. Dumelle, R. Flemal and B. Forcade dissented and J. Theodore Meyer concurred. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-6, Lincoln/Logan Landfill; 91-7, Everett Allen.

B. Forcade presented a draft Order in ##89-87, -44, Moline Corporation. Motion for sanction by J. Theodore Meyer and seconded by J. Anderson, failed to carry. The Order was then adopted by a vote of 6-1 and Respondent was ordered to pay, within 30 days, a stipulated penalty of \$21,800.00. J. Dumelle dissented. (BF)

An Order advising Petitioner that the Board will maintain Book E of the Agency's record in the Clerk's confidential files until further Board Order, and that Books A and D as well as the claim letter filed by the Petitioner will be placed in the public files, was adopted in #89-177, CWM Chemical Services, by a vote of 6-0. In addition, the Attorney General's motion to set a hearing date and Petitioner's response was referred to the Hearing Officer for disposition. J. Theodore Meyer abstained. (BF)

By a vote of 7-0, Petitioner was granted until 4:30 p.m., May 9, 1991 to file an amended petition in #90-114, National Steel. J.

Anderson and J. Dumelle concurred. (JCM)

Petitioner's motion to withdraw in #90-225, BF Goodrich, was granted by a vote of 7-0. (BF)

An Order construing Petitioner's amended petition as a response to the Agency's Recommendation and accepting the matter for hearing, was adopted in #91-2, Olin Corporation, by a vote of 7-0. (JCM)

An Order construing Petitioner's withdrawal of its decision deadline waiver as a motion for expedited consideration and directing the Hearing Officer to enter a scheduling Order that will ensure completion of the hearing and all briefs so that the Board can render its decision in #91-7, Land and Lakes, at its August 22, 1991 Board meeting, was adopted by a vote of 7-0. (JA)

Agency motion for specification of the alleged errors upon which Petitioner relies was denied in #91-49, LTV Steel Company, by a vote of 7-0. (JCM)

An Order requesting comments by the parties, no later than May 16, 1991, on whether the Board needs additional information in order to satisfy the confidentiality requirements, was adopted in #91-57, Monsanto Company, by a vote of 6-0. J. Theodore Meyer abstained. (BF)

By a vote of 7-0, Petitioner's motion to amend deadlines was denied in R86-3, North Shore Sanitary District Site-Specific. (BF)

An Order directing the Petitioner to file appropriate motions with the Board by May 20, 1991, indicating what action it is requesting the Board to take, was adopted in R90-18, Petition of USX Corporation, by a vote of 7-0. (JA)

These cases were discussed and held to May 9, 1991 for further discussion or possible decision: ##AC 90-79(Dockets A and B), Al Springman; 90-108, Joseph and Pamela Stratton; 90-173, Earl R. Bradd; AS 91-2, Ford Motor Company; 91-9, Sparkling Spring Mineral Water Company.

This regulatory matter was discussed and held to May 9, 1991 for further discussion or possible decision: R90-7, Agriculture-Related Pollution, Proposed Rule, Second Notice, Opinion and Order.

In amended petitions these actions were taken by a vote of 7-0: #91-2, Olin Corporation, accepted for hearing (See Motions); 91-11, Burlington Northern Railroad, accepted for hearing, Order by J. Anderson; 91-32, Village of Carbon Hill, Petitioner directed

to file another amended petition within 21 days or petition will be subject to dismissal, Order by M. Nardulli.

In new cases these actions were taken by a vote of 7-0: ##90-3, calvary Temple Church v. EPA, petition dismissed as untimely filed, Order by R.C. Flemal; 91-39, TransTechnology Corporation v. EPA, proceedings dismissed due to Board's lack of jurisdiction to hear matter, Order by B. Forcade; 91-42, held to May 9, 1991 Board Meeting; 91-48, Wonder View Improvement Association v. Northern Illinois Utilities, Inc., Petitioner's request to allow its response to complaint be entered was construed by the Board as a motion to file instanter; the motion to file instanter was granted and any answer and/or affirmative defense the Respondent wishes to file must be in the Board's office by May 6, 1991, Order by J.C. Marlin; 91-50, Karl Christ and Helen Christ v. Compost Enterprises, Inc., held to May 9, 1991 Board Meeting; 91-61, Big River Zinc Corporation v. EPA, Held to May 6, 1991 Special Board Meeting; 91-65, American Fly Ash Company v. EPA, accepted for hearing, Order by B. Forcade; 91-66, Village of Bensenville v. EPA, held for Agency Recommendation, 91-67, Manville Sales Corporation v. EPA, accepted for hearing and Petitioner's counsel granted leave to practice before the Board pro hac vice, Order by B. Forcade; 91-68, Industrial Hard Chrome v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin; 91-69, Sanitary District of Decatur v. EPA, provisional variance granted, J. Dumelle and B. Forcade concurred, Order by J.C. Marlin.

These Administrative Citations were received by the Board: #91-20, Lincoln/Logan Landfill; 91-21, Lincoln/Logan Landfill.

An Order directing Petitioner to file an amended petition for trade secret protection within 21 days, was adopted in #AS 91-3, Peoria Disposal Company, by a vote of 7-0. (BF)

Minutes of the April 11, 1991 Board Meeting were approved by a vote of 7-0.

By a vote of 5-2, motion to set a hearing before July 1, 1991 in R89-17, California Motor Vehicle Control, by J. Theodore Meyer and seconded by J. Dumelle was granted. R.C. Flemal and J. Marlin dissented.

The Board decided to hold a special meeting to consider the matters of: R91-7, RACT Deficiencies, Chicago Area, Emergency Rule; R91-8, RACT Deficiencies, Metro-East Area, Emergency Rule; 91-61, Big River Zinc Corporation. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to May 9, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 9th day of May, 1991, by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 25, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 90-146 Village of Matteson (BF) _____
- 90-217 People of the State of Illinois v. Raging Rivers Water
Park (MN) (Stip) _____
- * 91-4 Sexton Environmental Systems (JA)(due)

- R88-14 Pharmaceuticals, Adopted Rule, Final Order, Opinion and
order (JD) _____
- R89-7 Repeal of NESHAPS, Proposed Rule, Second Notice, Opinion
(B) and Order (JD) _____
- R90-9 Used & Waste Tire Regulations, Adopted Rule, Final
Order, Opinion and Order (JCM)

- R91-7 RACT Deficiencies, Chicago Area, Emergency Rule, Opinion
and Order (JTM) _____
- R91-8 RACT Deficiencies, Metro-East Area, Emergency Rule,
Opinion and Order (JTM) _____

AC DECISIONS:

- 91-6 Lincoln/Logan Landfill _____
- 91-7 Everett Allen _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

89-156 John Gordon - Respondent's motion for reconsideration
(B) of March 14, 1991 Board Order (See Respondent's letter
 to the Board dated 4/2)(BF)

MOTIONS:

89-72 Olin Corporation - Petitioner's motion for modification
 of February 7, 1991 Final Order (3/14), Agency response
 to Petitioner's motion for modification of Final Board
 Order (3/29)(BF)

89-87) Moline Corporation - Agency motion for stipulated
89-44) penalties (4/3)(BF)

89-177 CWM Chemical Services - Trade Secret determination (See
 Book E of Agency Record filed 3/21 and Agency Correction
 to administrative Record filed 3/22), Agency motion to
 set hearing date, Petitioner's response to Agency motion
 to set hearing date (4/17), Petitioner's response to
 March 28, 1991 Board Order (4/19)(BF)

90-102 State Oil Company - Petitioner's motion to file
 Affidavit (4/22)(JTM)

90-114 National Steel - Agency motion for Summary Judgment
 (4/1), Petitioner's motion to file Instanter and
 Memorandum of Law in opposition to Agency motion for
 Summary Judgment (4/12)

90-170 Goose Lake Association - Complainant's motion to add
 additional respondent (3/26), Respondent's objection to
 Complainant's motion to add additional defendant (3/28),
 Complainant's reply to Respondent's objection (4/8)(JCM)

90-225 BF Goodrich Corporation - Petitioner's motion to
 withdraw (4/23)(BF)

91-2 Olin Corporation - Petitioner's motion for extension of
 time to respond to Agency Recommendation (4/22)(JTM)

91-7 Land and Lakes Company - Petitioner's withdrawal of
 decision deadline waiver (4/17)(JA)

MOTIONS: (Cont'd)

- 91-49 LTV Steel Company - Agency motion for specification of the alleged errors upon which Petitioner relies (4/11), Petitioner's response to Agency motion for specification of the alleged errors upon which Petitioner relies (4/18) _____
- 91-57 Monsanto Company - Agency motion to dismiss (4/17) (See also Trade Secret material filed with Agency Record 4/16) (BF) _____
- R86-3 North Shore Sanitary District - Petitioner's motion to amend deadlines (4/22) (BF) _____
- R88-8 Census of Section 21(d) Facilities - motion to dismiss by Illinois Environmental Regulatory Group (3/29), Agency response to Illinois Environmental Regulatory Group's motion to dismiss (4/9) (JA) _____
- R90-18 Petition of USX Corporation - Board Order (JA) _____

DISCUSSIONS:

- AC 90-79 Al Springman (JCM) _____
(A & B)
- 90-108 Joseph and Pamela Stratton (JD) _____
- * 90-173 Earl R. Bradd (JA) (due 5/9) _____
- AS 91-2 Ford Motor Company (MN) _____
- * 91-9 Sparkling Spring Mineral Water Company (MN) (due 5/9) _____

REGULATORY DISCUSSIONS:

- R90-7 Agriculture-Related Pollution, Proposed Rule, Second Notice, Opinion and Order (RCF) _____

AMENDED PETITIONS:

- 91-2 Olin Corporation (filed 4/15) _____

AMENDED PETITIONS: (Cont'd)

91-11 Burlington Northern Railroad (filed 4/15) (See Open Waiver filed February 14, 1991)

91-32 Village of Carbon Hill (filed 4/11) (MN)

NEW CASES:

90-3 Calvary Temple Church v. EPA (See also Petitioner's request for expedited decision filed 3/11; Petitioner's response to March 14, 1991 Board Order filed 3/26), Agency motion to file response Instanter (4/24) (RCF)

91-39 TransTechnology Corporation v. EPA (See also Agency comments in response to March 8, 1991 Board Order; Agency motion to dismiss filed 3/22 and Petitioner's response filed 3/22)

91-42 Franklin D.R. Vickers and Ruth J. Vickers v. Village of Millstadt, Respondent's response to complaint (4/23) (JCM)

91-48 Wonder View Improvement Association v. Northern Illinois Utilities, Inc., Complainant's response to March 14, 1991 Board Order and request to allow the response to be entered (4/15)

91-50 Karl Christ and Helen Christ v. Compost Enterprises, Inc.

91-61 Big River Zinc Corporation v. EPA (See also Petitioner's Motion for Stay filed 4/8; Agency response filed 4/17; Petitioner's motion for leave to file a reply to Agency response to Petitioner's motion for stay filed 4/23 and Agency's motion for leave to file a reply to Petitioner's reply to its response to Petitioner's motion for stay filed 4/23)

91-65 American Fly Ash Company v. EPA (BF)

91-66 Village of Bensenville v. EPA

91-67 Manville Sales Corporation v. EPA (BF)

NEW CASES: (Cont'd)

91-68 Industrial Hard Chrome v. EPA (Provisional Variance)
(JCM) _____

91-69 Sanitary District of Decatur v. EPA (Provisional
Variance)(JCM) _____

NEW AC CASES:

91-20 Lincoln/Logan Landfill _____

91-21 Lincoln/Logan Landfill _____

NEW ADJUSTED STANDARDS:

91-3 Petition of Peoria Disposal Company for Adjusted
Standard from 35 Ill. Adm. Code 721 Subpart D (See also
Petitioner's Trade Secret Claim Letter for Appendix G of
Petition)(BF) _____

MINUTES:

April 11, 1991 _____

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)(RCF)
 86-58)
 86-62) Monsanto Company (Remand)(RCF)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 AS 88-2 Stepan Company (JCM)
 * 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)
 89-157 Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-169 John & Jean Zarlenga (JA)
 89-177 CWM Chemical Services (RCF)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 90-18 Robert Propheter (MN)
 AC 90-36 ESG Watts, Inc. (JTM)
 AC 90-38(B) Harold Fults (JD)
 AC 90-56 Steve Gilbert (JD)
 90-59 Michael L. Christianson (MN)
 AC 90-59(B) Southern Pacific Railroad (RCF)
 90-61 Duraco, Inc. (JCM)
 AC 90-79 Al Springman (JCM)
 AC 90-81 George Ribble (JCM)
 90-102 State Oil Company (JTM)
 90-111 Seegers Grain Company (JA)
 90-112 Chicago Heights Refuse Depot (RCF)
 * 90-122 City of Lockport (JCM)(due 6/20)
 90-135 The Grigoleit Company (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 90-218 A.B. Dick Company (RCF)
 * 90-228 City of Mt. Vernon (JD)(due 5/23)
 90-230 F.S. Madison Service Company (JCM)
 * 91-2 Olin Corporation (JTM)(due 8/8)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-2 Ford Motor Company (MN)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-5 Marjorie B. Campbell (JD)(due 6/6)
 * 91-7 Land and Lakes (JA)(due 12/19)

PENDING CASES ASSIGNED: (Cont'd)

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 (RCF)(due 5/23)
* 91-32 Village of Carbon Hill (MN)(due 7/11)
* 91-33 Village of Milan (JCM)(due 7/25)
* 91-34 City of DeKalb (JTM)(due 6/20)
91-40 Richheimer Food Company (JCM)
* 91-41 City of West Chicago (MN)(due 6/20)
* 91-58 City of St. Charles (RCF)(due 7/25)
* 91-59 Village of Westmont (MN)(due 7/25)