

**MINUTES OF REGULAR BOARD MEETING
MAY 9, 1991 CHICAGO, ILLINOIS**

All Board Members were present.

An Interim Opinion and Order was adopted in #89-169, John and Jean Zarlenga, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #AC 90-79 (Dockets A & B), Al Springman, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #90-108, Joseph and Pamela Stratton, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #90-111, Seegers Grain, by a vote of 5-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

J. Anderson presented a draft Opinion and Order in #90-173, Earl R. Bradd, motion to amend page 13 by J. Dumelle was accepted and the Opinion and Order was adopted by a vote of 7-0. (JA)

An Opinion and Order was adopted in #91-9, Sparkling Spring Mineral Water Company, by a vote of 7-0. (MN)

In R90-7, Agriculture-Related Pollution, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. J. Anderson concurred. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##91-8, Laraway Recycling and Disposal; 91-9, W.W. Sanitation; 91-10, Jersey Sanitation; 91-11, Harold Lowry; 91-12, Lincoln/Logan Landfill; 91-13, Everett Allen; 91-14, Gary and Deborah Attebery.

Agency motion to withdraw was granted in #AC 91-16, Olen G. Parkhill, by a vote of 7-0. (JCM)

Petitioner's motion for modification of a February 7, 1991 final Order was granted in #89-72, Olin Corporation, by a vote of 6-0. J. Dumelle abstained. (BF)

Petitioner's motion to file affidavit was granted in #90-102, State Oil Company, by a vote of 7-0. (JTM)

Agency motion to file Recommendation Instanter was granted in #90-122, City of Lockport, by a vote of 6-1. J. Dumelle dissented. (JCM)

By a vote of 7-0, #90-170, Goose Lake Association, was accepted for hearing. (JCM)

Agency motion to file Recommendation Instanter was granted in #91-32, Village of Carbon Hill, by a vote of 7-0. (MN)

Agency motion to file Recommendation Instanter was granted in #91-41, City of West Chicago, by a vote of 7-0. J. Dumelle concurred. (MN)

Agency motion to dismiss was granted in #91-57, Monsanto Company, by a vote of 7-0. (JCM)

Agency motion to file Recommendation Instanter was granted in #91-58, City of St. Charles, by a vote of 7-0. (RCF)

Agency motion to file Recommendation Instanter was granted in #91-59, Village of Westmont, by a vote of 7-0. (MN)

An Order requesting comments from the Department of Energy and Natural Resources including its Hazardous Waste Information Center by June 3, 1991, was adopted in R88-8, Census of Section 21(d) Facilities, by a vote of 7-0. (JA)

A motion to schedule additional hearings filed by Lone Star Industries was denied in R91-6, PM₁₀ Portland Cement and Quarries, by a vote of 7-0. (BF)

By a vote of 5-2, Petitioner's motion to continue hearing was referred to the Hearing Officer for disposition and the Hearing Officer was ordered to schedule and conduct all hearings necessary to complete the proceedings in #88-175, Jefferson Smurfit, within 120 days from the date of the entry of this Order. J. Anderson and R.C. Flemal dissented. (BF)

These cases were discussed and held to May 23, 1991 for further discussion or possible decision: ##90-228, City of Mt. Vernon; 91-21, Village of Gardner; 91-22, City of Minonk.

In new cases these actions were taken by a vote of 7-0: ##91-42, Franklin D.R. Vickers and Ruth J. Vickers v. Village of Millstadt, accepted for hearing and Respondent's motion to dismiss was denied, J. Anderson concurred, **Order by J.C. Marlin**; 91-48, Wonder View Improvement Association v. Northern Illinois Utilities, Inc., accepted for hearing, **Order by B. Forcade**; 91-50, Karl Christ and Helen Christ v. Compost Enterprises, Inc. v. EPA, accepted for hearing; 91-71, Douglas Furniture of California, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 91-72, Clean Quality Resources, Inc. v. Marion County Board, accepted for hearing, **Order of the Board by M. Nardulli**; 91-74, The City of Centralia v. EPA, Petitioner's motion to dismiss granted, **Order by J.C. Marlin**; 91-75, Community Consolidated School District No. 15 v. EPA, accepted for hearing, **Order by B. Forcade**; 91-76, John Deere Technical Center v. EPA, provisional variance granted, **Order by J.C. Marlin**; 91-77, Nutrasweet, Inc.

v. EPA, provisional variance granted, Order by J.C. Marlin;
91-78, People of the State of Illinois v. Sure Plus Manufacturing
Company, hearing mandatory.

Because a Petition for Review was filed, a hearing will be set in
#AC 91-17, Ronald Feldman.

These Administrative Citations were received by the Board:
##91-22, Lincoln/Logan Landfill; 91-23, Everett Allen; 91-24,
Everett Allen.


Minutes of the April 25, 1991 Board Meeting were approved by a
vote of 7-0.

Minutes of the May 6, 1991 Special Board Meeting were approved by
a vote of 6-0. R.C. Flemal abstained.

The Board then decided to hold a Special Board Meeting on May 14,
1991. The Clerk will post a notice.

All other matters not disposed of as listed were ordered held to
May 23, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, hereby certify that the above Minutes were approved this
23rd day of May, 1991, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

89-169 John & Jean Zarlenga (JA) _____
AC 90-79 Al Springman (JCM) _____
(A & B)
90-108 Joseph & Pamela Stratton (JD) _____
90-111 People of the State of Illinois v. Seegers Grain (JA)
(Stip) _____
* 90-173 Earl R. Bradd (JA)(due) _____
AS 91-2 Ford Motor Company (MN) _____
* 91-9 Sparkling Spring Mineral Water Company (MN)(due)

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

AC DECISIONS:

91-8 Laraway Recycling & Disposal _____
91-9 W.W. Sanitation _____
91-10 Jersey Sanitation _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

- 91-11 Harold Lowry _____
- 91-12 Lincoln/Logan Landfill _____
- 91-13 Everett Allen _____
- 91-14 Gary & Deborah Attebery _____
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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), Agency response to April 11,
1991 Board Order (4/25)(BF)
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- 91-16 Olen G. Parkhill - Agency motion to withdraw (4/26)(JCM)
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MOTIONS:

- 87-191 Lefton Iron & Metal - Complainant's motion to reopen
docket and for rendition of decision (4/29),
Respondents' response to motion to reopen docket and for
rendition of decision (5/8)(JD)
-
- 88-175 Jefferson Smurfit - Petitioner's motion to continue
hearing date (5/3) _____
- 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) _____
- 90-102 State Oil Company - Petitioner's motion to file
Affidavit (4/22)(JTM) _____
- 90-122 City of Lockport - Agency motion to file Recommendation
Instanter (5/6)(JCM) _____
- 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)
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MOTIONS: (Cont'd)

- 91-7 Land and Lakes Company - Petitioners' motion with respect to charges for preparing and certifying the record (5/6)(JA) _____
- 91-32 Village of Carbon Hill - Agency motion to file Recommendation Instanter (5/1)(MN) _____
- 91-41 City of West Chicago - Agency motion to file Recommendation Instanter (5/3)(MN) _____
- 91-57 Monsanto Company - Agency motion to dismiss (4/17), Petitioner's response to Agency motion to dismiss (4/26) _____
- 91-58 City of St. Charles - Agency motion to file Recommendation Instanter (5/6)(RCF) _____
- 91-59 Village of Westmont - Agency motion to file Recommendation Instanter (5/6)(MN) _____
- 91-64 Charles & Senoria Brown - Agency motion to dismiss (5/3) (See also Agency supplement to motion to dismiss and Exhibit VII filed 5/6) _____
- 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) _____
- R91-6 PM₁₀ Portland Cement & Quarries - motion to schedule additional hearing filed by Lone Star Industries, Inc. (4/29), Agency response to motion for additional hearings (5/7)(BF) _____

DISCUSSIONS:

- * 90-228 City of Mt. Vernon (JD)(due 5/23) _____
- * 91-21 Village of Gardner (JCM)(due 5/23) _____
- * 91-22 City of Minonk (RCF)(due 5/23) _____

REGULATORY DISCUSSIONS:R89-5 Groundwater Protection (RCF) _____
_____**NEW CASES:**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., (See Respondent's letter to Board dated
5/6)(BF) _____91-50 Karl Christ and Helen Christ v. Compost Enterprises,
Inc., (See also Amended Complaint filed 4/25)
_____91-71 Douglas Furniture of California, Inc. v. EPA
_____91-72 Clean Quality Resources, Inc. v. Marion County Board
(MN) _____91-74 The City of Centralia v. EPA (See also Petitioner's
motion to dismiss filed 5/8) _____91-75 Community Consolidated School District No. 15 v. EPA
(See also Petitioner's motion for waiver of deadlines
for filing an administrative record)
_____91-76 John Deere Technical Center v. EPA (Provisional
Variance)(JCM) _____91-77 Nutrasweet, Inc. v. EPA (Provisional Variance)(JCM)
_____**AC APPEALS:**91-17 Ronald Feldman _____
_____**NEW AC CASES:**

91-22 Lincoln/Logan Landfill _____

91-23 Everett Allen _____

NEW AC CASES: (Cont'd)

91-24 Everett Allen _____

ADJUSTED STANDARDS MOTIONS:

91-1 Petition of Keystone Steel and Wire - Agency motion for
150-day extension to file a Recommendation (5/2)(JA)

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 25, 1991 _____

May 6, 1991 (Special Board Meeting) _____

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)
 89-177 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)
 90-112 Chicago Heights Refuse Depot (RCF)
 * 90-122 City of Lockport (JCM)(due 6/20)
 90-135 The Grigoleit Company (BF)
 90-146 Village of Matteson (BF)
 90-152 Panhandle Eastern Pipeline Company (BF)
 90-218 A.B. Dick Company (RCF)
 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)
 91-19 Sung Ag, Inc. (JA)
 91-20 Amoco Petroleum Additives (JCM)

PENDING CASES ASSIGNED: (Cont'd)

- * 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)