

MINUTES OF REGULAR BOARD MEETING
JULY 25, 1991 CHICAGO, ILLINOIS

All Board Members were present save Chairman J.C. Marlin who was on vacation and Board Member B. Forcade who was absent due to family illness. The meeting was chaired by Board Member J. Anderson.

An Opinion and Order was adopted in #88-25, Modine Manufacturing Company, by a vote of 5-0. J. Dumelle concurred. (JA)

An Opinion and Order was adopted in #AC 90-56(B), Steve Gilbert, by a vote of 4-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #91-33, Village of Milan, by a vote of 5-0. J. Dumelle concurred. (JA)

An Opinion and Order was adopted in #91-58, City of St. Charles, by a vote of 4-1. J. Dumelle dissented. (RCF)

In R89-14 (A & B), Groundwater Quality Standards, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 5-0. J. Dumelle concurred. (RCF)

In R90-20, Diesel Vehicle Exhaust Opacity Limits, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 5-0. (JD)

In R91-2, UST Update (July 1, 1990 through December 31, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (JA)

In R91-7, RACT Deficiencies, Chicago Area, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (JTM)

In R91-8, RACT Deficiencies, Metro-East Area, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 5-0. (JTM)

Agency motion for modification of a May 9, 1991 Board Order was granted in #89-72, Olin Corporation, by a vote of 5-0. (RCF)

Agency motion to consolidate was granted in ##90-114, - 91-105, National Steel, by a vote of 5-0. (MN)

An Order granting the Agency's motion to file record instanter and ordering the Petitioner to, no later than August 6, 1991, provide the Clerk of the Board with a written listing of those hearing exhibits (transcript indicates at pages 16, 55, and 57 that certain portions of the exhibits are subject to a confidentiality claim by Petitioner) which may be released to the public record and a list of those which may not be released, was

adopted in #90-135, The Grigoleit Company, by a vote of 5-0.
(JA)

By a vote of 4-1, an Order was adopted pursuant to Complainant's petition for additional relief in #90-146, Village of Matteson. J. Theodore Meyer dissented. (RCF)

By a vote of 5-0, Petitioner's motions to reconsider and vacate a May 9, 1991 Opinion and Order in #90-173, Earl R. Bradd, were granted and upon reconsideration the Board vacated its previous finding on denial reason 1 and remanded the matter to the Agency to conduct an independent review of Petitioner's groundwater monitoring plan on its merits to determine if it meets the Board's closure requirements. (JA)

Motion to appear pro hac vice for respondents Chester Bross, Mike Bross and Jeff Bross by Charles R. Svoboda and Gary N. Jones was granted in #90-182, Ronald and Susan Tex, by a vote of 5-0.
(MN)

Petitioner's motion to withdraw was granted in #91-3, Cerro Copper Products, by a vote of 5-0. (JA)

Petitioner's motion to substitute appearance was granted in #91-18, Illinois Central Railroad, by a vote of 5-0. (JA)

Agency motion to file Recommendation Instanter was granted in #91-88, County of Lake, by a vote of 5-0. (RCF)

Petitioner's motion to amend and Agency motion to file Record Instanter were granted in #91-94, Safety-Kleen Corporation, by a vote of 5-0. (MN)

Agency motion for extension of time to file its response to a July 11, 1991 Board Order was granted until August 1, 1991 in #91-100, Pierce & Stevens, by a vote of 5-0. (MN)

Agency motion to file Record Instanter was granted in #91-109, North Suburban Development, by a vote of 5-0. (JA)

By a vote of 5-0, the Board dismissed the proceedings in #91-110, Indian Refining, for lack of jurisdiction. (MN)

These cases were discussed and held to August 8, 1991 for further discussion or possible decision: #85-140, Citizens Utilities Company; 88-78, Abbott Laboratories; 90-102, State Oil Company; 91-66, Village of Bensenville.

This amended petition was held for an Agency Recommendation: #91-104, Village of Fox River Grove.

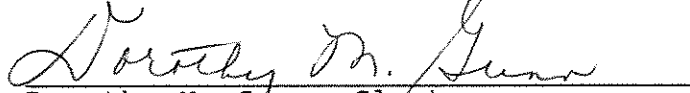
In new cases these actions were taken by a vote of 5-0:

##91-120, Beer Motors v. EPA, accepted for hearing, Order by J. Anderson; 91-121, Village of Channahon v. EPA, held for Agency Recommendation; 91-122, People of the State of Illinois v. Condecor, hearing mandatory; 91-123, EPA v. Herman Loeb, hearing mandatory; 91-124, Akzo Chemicals, Inc. v. EPA, provisional variance granted, J. Dumelle concurred, Order by J. Anderson; 91-125, Quality Fabricators, Inc. v. EPA, provisional variance granted, J. Dumelle concurred, Order by J. Anderson; 91-126, City of Knoxville v. EPA, additional information requested, Order by J. Anderson; 91-127, City of Trenton v. EPA, provisional variance granted, J. Dumelle concurred, Order by J. Anderson.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #91-31, Randall Loveless.

Minutes of the July 11, 1991 Board Meeting were approved by a vote of 5-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 8th day of August, 1991, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

- * 88-25 Modine Manufacturing Company (JA)(open waiver)

- AC 90-36 ESG Watts (JCM) _____
(B)
- AC 90-56 Steve Gilbert (JCM) _____
(B)
- * 91-33 Village of Milan (JCM)(due) _____
- * 91-58 City of St. Charles (RCF)(due) _____
- R89-14 Groundwater Quality Standards, Proposed Rule, Second
(A & B) Notice, Opinion and Order (RCF)

- R90-20 Diesel Vehicle Exhaust Opacity Limits, Proposed Rule,
First Notice, Opinion and Order (JD)

- R91-1 RCRA Update (July 1, 1990 through December 31, 1990),
Adopted Rule, Final Order (JA)

- R91-2 UST Update (July 1, 1990 through December 31, 1990),
Adopted Rule, Final Order (JA)

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

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- 88-175 Jefferson Smurfit - joint motion for continuance of hearing (7/18)(BF) _____
- 89-72 Olin Corporation - Agency motion for modification of May 9, 1991 Board Order (7/12)(BF) _____
- 90-114 National Steel - Agency motion to consolidate cases
91-105 (7/5)(MN) _____
- 90-135 The Grigoleit Company - Agency motion to file Record Instanter (7/1)(BF) _____
- 90-146 Village of Matteson - Complainant's petition for additional relief (7/22)(BF) _____
- 90-173 Earl R. Bradd - Petitioner's motion to reconsider and vacate May 9, 1991 Opinion and Order (6/13)(JA) _____
- 90-182 Ronald & Susan Tex - Respondents motion to appear pro hac vice for Respondents Chester Bross, Mike Bross and Jeff Bross by Charles R. Svoboda and Gary N. Jones (7/12)(MN) _____
- 91-3 Cerro Copper Products - Petitioner's motion to withdraw (7/23) _____
- 91-18 Illinois Central Railroad - Petitioner's agreed motion to substitute appearance (7/18); Petitioner's stipulation for substitution of counsel and withdrawal of attorney (7/18) _____
- 91-88 County of Lake - Agency motion to file Recommendation Instanter (7/15)(RCF) _____
- 91-94 Safety-Kleen - Petitioner's motion to amend appeal of conditions (7/1), Agency motion to file Record Instanter (7/17) _____
- 91-100 Pierce & Stevens - Agency motion for extension of time to file response to July 11, 1991 Board Order (7/18) (MN) _____
- 91-109 North Suburban Development - Agency motion to file Record Instanter (7/19) _____
- 91-110 Indian Refining - joint motion for extension of time to file record (7/12), joint statement of timeliness of filing in response to July 11, 1991 Board Order (7/17) (MN) _____

MOTIONS: (Cont'd)

- 91-112 Williamson Adhesives - Agency motion for summary judgement (7/23)
- 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), DENR's comments in response to May 9, 1991 Board Order and IERG's motion to dismiss (6/3); Waste Management of Illinois' response to IERG's motion to dismiss (6/13); IERG's reply to Waste Management of Illinois' response to IERG's motion to dismiss (6/28), Waste Management of Illinois' supplemental comments in response to IERG's motion to dismiss (7/3)(JA)
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DISCUSSIONS:

- 85-140 Citizens Utilities Company (MN)
- * 88-78 Abbott Laboratories (JD)(open waiver)
- 90-102 State Oil Company (JTM)
- * 91-66 Village of Bensenville (JTM)(due 8/8)
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AMENDED PETITIONS:

- 91-104 Village of Fox River Grove (filed 7/19)
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NEW CASES:

- 91-120 Beer Motors Inc. v. EPA
- 91-121 Village of Channahon v. EPA
- 91-122 People of the State of Illinois v. Condecor
- 91-123 EPA v. Herman L. Loeb
- 91-124 Akzo Chemicals, Inc. v. EPA (Provisional Variance)(JA)
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NEW CASES: (Cont'd)

91-125 Quality Fabricators, Inc. v. EPA (Provisional Variance)
(JA) _____

91-126 City of Knoxville v. EPA _____

91-27 City of Trenton v. EPA (Provisional Variance)(JA)

AC APPEALS:

91-31 Randall Loveless _____

MINUTES:

July 11, 1991 _____

PENDING CASES ASSIGNED:

85-95 Citizens Utilities (Remand)(JA)
 * 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)
 86-160 Fitz-Mar, Inc. (JA)
 86-161 Elizabeth Street Foundry (JD)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-132 City of Chicago (RCF)
 AS 88-2 Stepan Company (JCM)
 AC 88-62 City of Chicago (JCM)
 88-98 IBP, Inc. (Remand)(BF)
 * 88-193 General Motors Corporation (JD)(open waiver)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 AC 89-72(B) City of West Frankfort (JCM)
 89-94 Reichhold Chemicals (Remand)(BF)
 * 89-106 D & B Refuse Service (MN)(due 10/24)
 89-157(B) Clybourn Metal Finishing Company (JD)
 89-158 Gilbertson Clybourn (BF)
 89-177 CWM Chemical Services (JTM)(open waiver)
 AC 89-215 Omer Thomas (BF)
 AS 90-8 Olin Corporation (JA)
 AC 90-38(B) Harold Fults (JD)
 90-59 Michael L. Christianson (MN)
 90-60 Allied Hastings Barrel & Drum Company (JCM)
 90-61 Duraco, Inc. (JCM)
 AC 90-64 Louis Mund (BF)
 AC 90-65 Arthur Fields (BF)
 AC 90-66 Sandra L. Petroff (BF)
 AC 90-67 Timothy E. Doctor (BF)
 90-112 Chicago Heights Refuse Depot (RCF)
 90-124 Rock Valley Oil Company (JCM)
 90-135 The Grigoleit Company (BF)
 90-140 G & K Investments (BF)
 90-146 Village of Matteson (BF)
 90-148 B & M Steel Service Center (MN)
 90-149 Straders Logging and Lumber Mill (MN)
 90-152 Panhandle Eastern Pipeline Company (BF)
 * 90-242 Ensign Bickford Company (JD)(due 8/22)
 * 91-2 Olin Corporation (JTM)(due 9/12)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-7 Land and Lakes (JA)(due 12/19)
 * 91-12 Zeigler Coal (JD)(due 8/22)
 * 91-32 Village of Carbon Hill (MN)(due 8/22)
 91-42 Village of Millstadt (JCM)

PENDING CASES ASSIGNED: (Cont'd)

- * 91-72 Clean Quality Resources (MN)(due 8/22)
- 91-78 Sure Plus Manufacturing Company (JA)
- 91-79 Torvac, Inc. (RCF)
- * 91-88 County of Lake (RCF)(due 9/26)
- * 91-89) Citizens for Controlled Landfills (JD)
- 91-90)
- * 91-96 The Ensign Bickford Company (JD)(due 10/10)
- * 91-106 Village of Roxana (JTM)(due 10/10)
- * 91-107 Village of Oak Brook (MN)(due 10/10)
- * 91-111 Village of Oswego (JCM)(due 10/24)