

**MINUTES OF REGULAR BOARD MEETING
MAY 23, 1991 CHICAGO, ILLINOIS**

All Board Members were present save J. Dumelle who was on vacation.

An Opinion and Order was adopted in #AC 90-81 (Dockets A and B), George Ribble, by a vote of 6-0. Messrs. J. Theodore Meyer and M. Nardulli concurred. (JCM)

An Opinion and Order was adopted in #90-228, City of Mt. Vernon, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #91-21, Village of Gardner, by a vote of 5-1. B. Forcade dissented. (JCM)

An Opinion and Order was adopted in #91-22, City of Minonk, by a vote of 5-1. B. Forcade dissented. (RCF)

By a vote of 6-0, a post-adoption comment Order was adopted in R90-11, RCRA Update (April 1, 1990 through June 30, 1990). (JA)

In R90-14, UIC Update (January 1, 1990 through August 31, 1990), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JA)

An Order granting an Agency motion for extension of time to file its response to a May 14, 1991 Second Interim Order and advising the parties that in the interest of obtaining USEPA comment the Board will delay action on the emergency rule until Big River Zinc or the Agency comes before the Board with a motion for further action and in the absence of such a motion the Board will proceed to take action in this matter no later than June 20, 1991, was adopted in R91-11, Certain Hazardous Wastes from Primary Zinc Smelting and Refining, by a vote of 6-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##91-15, Lincoln/Logan Landfill; 91-18, Clem Radcliff; 91-19, Tom Quirin; 91-20, Lincoln/Logan Landfill.

An Order denying Respondent's motion for reconsideration of a March 14, 1991 Board Order and modifying prior Orders to require that the costs of \$1,288.20 be paid within 30 days and that the penalty of \$1,000.00 be paid within 60 days, was adopted in #AC 89-156, John A. Gordon, by a vote of 6-0. (BF)

By a vote of 6-0, the Board, on its own motion, directed the Agency to file its brief no later than June 10, 1991 in #85-140, Citizens Utilities Company. (MN)

Petitioner's motion to dismiss was granted in #86-93, Jennison-Wright, by a vote of 6-0. (BF)

Complainant's motion to reopen docket and for rendition of a decision was denied in #87-191, Lefton Iron & Metal, by a vote of 6-0. (RCF)

Petitioner's request to terminate the proceedings was granted in #89-94, Reichhold Chemicals, by a vote of 6-0. (BF)

Joint motion for dismissal was granted in #89-189, Jennison-Wright, by a vote of 6-0. (BF)

Petitioner's motion to dismiss was granted in #89-204, Village of Shorewood, by a vote of 6-0. (BF)

Agency motion to reinstate Herman L. Loeb as a party respondent in #90-89, Fred Johnson, was stricken by a vote of 6-0. (JCM)

Petitioner's motion to dismiss was granted in #90-220, Acme Barrel Company, by a vote of 6-0. (BF)

Petitioner's motion to dismiss was granted in #90-222, Safety-Kleen, by a vote of 6-0. (BF)

By a vote of 6-0, an Order advising the parties that because the hearing was held on May 3, 1991 and because post-hearing briefs are expected to be submitted in the near future, Petitioner's motion with respect to charges for preparing and certifying the record and Respondent's response will be taken with the case-in-chief in #91-7, Land and Lakes. (JA)

An Order accepting the Agency's revised versions of Exhibits 1, 2 and 13 which do comport with the Board's filing requirements for material claimed as confidential and granting the Agency's request to return the improperly expunged versions of Exhibits 1, 2 and 13, was adopted in #91-57, Monsanto Company, by a vote of 6-0. (BF)

This case was discussed and held to June 6, 1991 for further discussion or possible decision: #91-5, Marjorie B. Campbell.

These regulatory matters were discussed and held to June 6, 1991 for further discussion or possible decision: R89-5, Groundwater Protection, Proposed Rule, Second First Notice, Opinion and Order; R90-24, Recycled Paper, Proposed Rule, First Notice, Proposed Opinion and Order.

In amended petitions these actions were taken by a vote of 6-0: #90-114, National Steel, accepted for hearing and 120-day decision time clock restarted with its filing; 91-32, Village of Carbon Hill, 120-day time clock restarted with its filing.

In new cases these actions were taken by a vote of 6-0: #91-80, Paul Rosman v. EPA, additional information requested, Order by

J.C. Marlin; 91-81, Safety-Kleen Corporation (Caseyville Facility) v. EPA, accepted for hearing, Order by B. Forcade; 91-82, Safety-Kleen Corporation (Pekin Facility) v. EPA, accepted for hearing, Order by B. Forcade; 91-83, Village of Lincolnwood v. EPA, accepted for hearing, Order by B. Forcade; 91-84, Indian Refining Limited Partnership and Indian Refining Company v. EPA, accepted for hearing, Order by B. Forcade; 91-85, Illinois Department of Conservation, Dixon Springs State Park S.T.P. v. EPA, provisional variance granted, B. Forcade concurred, Order by J. Marlin; R91-12, Delisting Petition for USX Corporation (Identical in Substance Rules), Docket Reserved.

These Administrative Citations were received by the Board: ##91-25, Upper Rock Island County Landfill; 91-26, Lincoln/Logan Landfill.

Agency motion for extension of time to file its Recommendation was granted for 60 days in #AS 91-1, Petition of Keystone Steel and Wire, by a vote of 6-0. (JA)

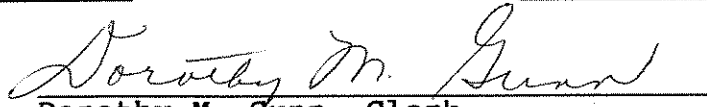
Petitioner's motion to appear Pro Hac Vice was granted in #AS 91-4, Petition of Amoco Oil Company, by a vote of 6-0. (JA)

Minutes of the May 9, 1991 Board Meeting were approved by a vote of 6-0.

In other new cases these actions were taken by a vote of 6-0: ##91-86, Raymond D. Moore and Mary A. Moore v. EPA, accepted for hearing, Order by B. Forcade; 91-87, Olin Corporation v. EPA, accepted for hearing and Petitioner's motion to appear Pro Hac Vice was granted, Order by B. Forcade.

All other matters not disposed of as listed were ordered held to June 6, 1991 for possible consideration.

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


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 23, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

91-86 Raymond D. Moore and Mary A. Moore v. EPA

91-87 Olin Corporation v. EPA (See also Petitioner's
motion for leave to appear filed 5/23)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 23, 1991 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- AC 90-81 George Ribble (JCM) _____
(A & B)
- * 90-228 City of Mt. Vernon (JA)(due 6/6) _____
(J. Anderson is moving this Opinion and Order on behalf
of J. Dumelle)
- * 91-21 Village of Gardner (JCM)(due) _____
- * 91-22 City of Minonk (RCF)(due) _____
- R90-11 RCRA Update (April 1, 1990 through June 30, 1990), Post-
Adoption Order (JA) _____
- R90-14 UIC Update (January 1, 1990 through August 31, 1990),
Adopted Rule, Final Order, Opinion and Order (JA)

- R91-11 Certain Hazardous Wastes from Primary Zinc Smelting and
Refining, 35 Ill. Adm. Code 721.104(b)(7)(U), Emergency
Rule (See also Agency motion for extension of time to
file response to May 14, 1991 Second Interim Board Order
(5/20) and Big River Zinc's response to May 14, 1991
Second Interim Board Order (5/21)(JA)

AC DECISIONS:

- 91-15 Lincoln/Logan Landfill _____
- 91-18 Clem Radcliff _____
- 91-19 Tom Quirin _____
- 91-20 Lincoln/Logan Landfill _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 89-156 John Gordon - Respondent's motion for reconsideration of March 14, 1991 Board Order (See Respondents' letter to the Board dated 4/2), Agency response to April 11, 1991 Board Order (4/25)(BF) _____
- 90-65 Arthur Fields - Respondent's motion to dismiss violation A(i) (5/20) _____
- 90-66 Sandra L. Petroff - Respondent's motion to dismiss the citation (5/20) _____
- 90-67 Timothy E. Doctor - Respondent's motion to dismiss the citation (5/20) _____
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MOTIONS:

- 85-140 Citizens Utilities - Board Order (MN) _____
- 86-93 Jennison-Wright - Petitioner's motion to dismiss (5/20) (BF) _____
- 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)(RCF)(R. Flemal is moving this Order on behalf of J. Dumelle) _____
- 89-94 Reichhold Chemicals - Petitioner's response to March 14, 1991 Board Order (5/14), Agency response to March 14, 1991 Board Order (5/16)(BF) _____
- 89-189 Jennison-Wright Corporation - joint motion for dismissal (5/16)(BF) _____
- 89-204 Village of Shorewood - Petitioner's motion to dismiss (5/16) _____
- 90-62 Sure-Tan - Respondent's motion to reduce penalty (5/13) (JCM) _____
- 90-89 Fred Johnson - Agency motion to reinstate Respondent Herman L. Loeb (5/16)(JCM) _____
- 90-170 Gooselake Association - Respondents' motion for reconsideration of May 9, 1991 Order (5/15)(JCM) _____
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MOTIONS: (Cont'd)

- 90-220 Acme Barrel Company - Petitioner's motion to dismiss (5/22) _____
- 90-222 Safety-Kleen - stipulation to dismiss (5/17)(BF) _____
- 90-231 Frank Whitlock - motion by Respondents Robert and Arminda Bishop for rehearing or modification of April 11, 1991 Order (5/16)(JA) _____
- 91-7 Land and Lakes Company - Petitioners' motion with respect to charges for preparing and certifying the record (5/6)(JA) _____
- 91-50 Karl and Helen Christ - Respondent's motion to make Complainant's amended formal complaint more definite and certain (5/17) _____
- 91-57 Monsanto Company - Petitioner's response to April 25, 1991 Board Order (5/16); Agency response to April 25, 1991 Board Order (5/16)(BF) _____
- 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) _____
- R90-18 Petition of USX Corporation - Petitioner's response to April 25, 1991 Board Order (5/9)(JA) _____

DISCUSSIONS:

- * 91-5 Marjorie B. Campbell (due 6/6) _____

REGULATORY DISCUSSIONS:

- R89-5 Groundwater Protection, Proposed Rule, Second Notice, Opinion and Order (RCF) _____
- R90-24 Recycled Paper, Proposed Rule, First Notice, Proposed Opinion and Order (JTM) _____

AMENDED PETITIONS:

90-114 National Steel (filed 5/9) _____
91-32 Village of Carbon Hill (filed 5/10)(MN)

NEW CASES:

91-80 Paul Rosman v. EPA (JCM)

91-81 Safety-Kleen Corporation (Caseyville Facility) v. EPA

91-82 Safety-Kleen Corporation (Pekin Facility) v. EPA

91-83 Village of Lincolnwood v. EPA

91-84 Indian Refining Limited Partnership and Indian Refining
Company v. EPA (BF) _____
91-85 Illinois Department of Conservation, Dixon Springs State
Park S.T.P v. EPA _____
R91-12 Delisting Petition for USX Corporation (Identical in
Substance Rules) (DOCKET RESERVED)

NEW AC CASES:

91-25 Upper Rock Island County Landfill _____
91-26 Lincoln/Logan Landfill _____

ADJUSTED STANDARDS MOTIONS:

91-1 Petition of Keystone Steel and Wire - Agency motion for
150-day extension to file a Recommendation (5/2),
Petitioner's response to motion for extension (5/9)(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; request for hearing by Steve Rone filed 5/13; and Petitioner's response to April 25, 1991 Board Order filed 5/15)(BF) _____
- 91-4 Petition of Amoco Oil Company for Adjusted Standards from 35 Ill. Adm. Code 725.213(d)(1)(B) and 725.321(a)(See also Petitioner's motion to appear Pro Hac Vice filed 5/10) _____
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MINUTES:

May 9, 1991 _____

MAY 14, 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 (JTM)(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(B) 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 9/12)
 AS 91-1 Keystone Steel & Wire (JA)
 AS 91-2 Ford Motor Company (MN)
 AS 91-3 Peoria Disposal Company (JD)
 * 91-7 Land and Lakes (JA)(due 12/19)
 91-19 Sung Ag, Inc. (JA)
 91-20 Amoco Petroleum Additives (JCM)
 * 91-32 Village of Carbon Hill (MN)(due 8/22)

PENDING CASES ASSIGNED: (Cont'd)

- * 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)
- * 91-66 Village of Bensenville (JTM)(due 8/8)