

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
FEBRUARY 2, 1989 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present.

An Opinion and Order was adopted in #87-104, Continental Grain, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #88-14, Minnesota Mining, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 88-14 (Docket A & B), Arthur Daniels, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #AC 88-75, -80, -81, -85, -86 (Docket B), Steve Zimmerman and Waste Limited, by a vote of 7-0. (MN)

In R85-11, Illinois-American Water Company, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R86-17(B), Deoxygenating Wastes, a Proposed Rule, Second Notice, Order was adopted by a vote of 7-0. J. Dumelle concurred. (JM)

In R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JM)

In R87-27, USF Update, USEPA Regulations (September 23, 1988), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

By a vote of 7-0, Respondent's motion to withdraw petition for hearing was granted and unless already paid, the Respondent was ordered to pay the \$500 penalty within thirty days of the entry of the Order in #AC 88-54, Waste Management. (JD)

In #AC 88-90, James Esarey, Respondent's motion to strike and dismiss will be taken with the case in chief.

In #85-25, Village of Bloomingdale, an Agency motion to dismiss and Petitioner's motion for leave to file response Instanter were granted by a vote of 7-0. (JM)

Petitioner's motion to modify a May 9, 1986 Board Order was granted in #85-212, Village of Morton, by a vote of 7-0. J. Dumelle concurred. (RF)

Petitioner's motion to dismiss was granted in #86-8, Heckett, by a vote of 7-0. (BF)

Petitioner's motion to stay pending appeal was denied in #86-218, City of East Moline, by a vote of 7-0. (JD)

Petitioner's motion to dismiss was granted in #88-80, Sours Grain, by a vote of 7-0. (JD)

Petitioner's motion to dismiss was granted in #88-152, Cerro Products, by a vote of 7-0. (JM)

The County of LaSalle's motion to strike attachments to Petitioners appeal for permit denial and petition for declaratory ruling in #88-158, Pioneer Processing, will be taken with the case in chief.

Petitioner's motion for consolidation was denied in #88-172, Allied-Signal, by a vote of 7-0. (BF)

Petitioner's motion for consolidation was denied in #88-174, Allied-Signal, by a vote of 7-0. (BF)

An Order was adopted pursuant to Petitioner's motion for stay in #89-5, Arco Products, by a vote of 7-0. (JM)

These cases were discussed and held to February 23, 1989 for further discussion or possible decision: #86-181, Village of Riverside; 88-79, R.R. Donnelley; 88-102, Morton Thokol; 88-132, DMI, Inc.; AS 88-3, Allsteel, Inc.

These regulatory matters were discussed and held to February 23, 1989 for further discussion or possible decision: R88-6, Mendota Site-Specific; R88-23, SOCOMI.

In amended petitions these actions were taken by a vote of 7-0: #88-176, American National Can, amended petition was accepted and 120-day decision time clock restarted with its filing; 88-196, Koppers Industries, held for Agency Recommendation; 88-203, amended petition was accepted and 120-day decision time clock restarted with its filing.

In new cases these actions were taken by a vote of 7-0: #89-14, Village of Montgomery v. EPA, held for Agency Recommendation; 89-15, A.R.F. Landfill, Corporation v. County of Lake, accepted for hearing, Order by B. Forcade; 89-16, Quantum Chemical Corporation, USI Division v. EPA, petitioner ordered to submit \$75.00 filing fee within 21 days or petition will be subject to dismissal and petition to appear pro hac vice allowed, Order by J. Martin; 89-17, Illinois Department of Transportation, Park District of Highland Park, Chairman authorized to sign the permit document and to prepare an Order; 89-18, EPA v. Plastics, Inc., hearing mandatory; 89-20, Illinois Department of Transportation, Chicago Park District and the City of Chicago, Chairman

authorized to sign the permit document and to prepare and Order; 89-21, Illinois Department of Transportation, Commonwealth Edison Company, Chairman authorized to sign the permit document and to prepare an Order; 89-22, City of Herrin v. EPA, provisional variance granted, Order by J. Marlin; 89-24, EPA v. Old Ben Coal Company, hearing mandatory; 89-25, Can-Am Industries, Inc. v. EPA, petitioner ordered to submit \$75.00 filing fee within 21 days or petition will be subject to dismissal, Order by J. Marlin.

This Administrative Citation will be set for hearing: #89-10, Jim Landers.

These Administrative Citations were received by the Board: #89-19, Caseyville/Nance; 89-20, Dupo/Hess; 89-21, Maria J. Ingram; 89-22, Metro-East Sanitary District; 89-23, Karl Farnham, Sr.; 89-24, Rudolph Giuszek and Joseph Kostyle.

Minutes of the regular Board meeting held January 19, 1989 were approved by a vote of 7-0.

A discussion was held in #88-139, John Sexton Contractors by Board Member J. Anderson. (Thereafter the meeting was adjourned until 2:00 p.m.)

P.M. SESSION

All Board Members were present.

In new case #89-23, Illinois Department of Transportation, Loyola University, these actions were taken by a vote of 7-0: the Board will join the Illinois Department of Transportation and the Army Corps of Engineers in conducting a public hearing and the Board with the concurrence of the Chairman, appointed as its hearing officer in this matter Mr. Richard Christopher, of the Illinois Department of Transportation Office of Chief Counsel. (JM)

Agency motion to dismiss was granted in #88-195, McLean County Disposal, by a vote of 5-2. J. Anderson and J. Marlin dissented. (JTM)

Petitioner's motion to dismiss was granted in #86-186, Velsicol Chemical, by a vote of 7-0. (JM)

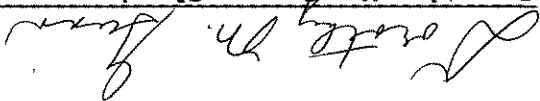
In #88-139, John Sexton Contractors, Board Member J. Anderson's draft opinion and Order failed to carry by a 2-5 vote with J. Anderson and M. Nardulli for it and B. Forcade, J. Dumelle, R. Flomal, J. Marlin and J. Theodore Meyer against it. An Order drafted by Board Member B. Forcade was then adopted by a vote of 5-2. J. Anderson and M. Nardulli dissented and Messrs. J. Marlin and J. Theodore Meyer concurred. (BF)

There being no further business the meeting was adjourned. All other matters not disposed of as listed were ordered held to

February 23, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 23rd day of February, 1989 by a vote of 7-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD
 FINAL AGENDA
 FEBRUARY 2, 1989 CHICAGO, ILLINOIS
 CONFERENCE ROOM 9-040
 10:30 A.M.

DECISIONS:

87-104	Continental Grain (JM)	
88-14	Minnesota Mining (BF)(due 2/23)	*
88-14	Arthur Daniels (JA)	AC
88-21	Rowe Foundry (JD)(due 2/2)	*
88-75)	Steve Zimmerman & Waste Limited (MN)	AC
88-80)		
88-81)		
88-85)		
88-86)		
	Docket B	
88-139	John Sexton Contractors (JA)(due 2/2)	*
88-11	Illinois-American Water Company, Adopted Rule, Final Order, Opinion and Order (JTM)	
88-17	Deoxygenating Wastes, Proposed Rule, Second Notice, Order (JM)	(B)
88-24	Managing Scrap Tire Accumulations for the Control of Mosquitoes, Proposed Rule, Second Notice, Proposed Opinion and Order (JM)	
88-27	UST Update, USEPA Regulations (September 23, 1988), Proposal for Public Comment, Proposed Order (JA)	

AC MOTIONS:

88-54 Waste Management - Respondent's motion to withdraw petition for hearing (2/1)

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS: (cont'd)

88-90 James Esarey - Respondent's motion to strike and dismiss (1/19)

88-118 Clevenger Contractors - Agency motion to dismiss Raymond Faber as Respondent (2/1)

MOTIONS:

85-25 Village of Bloomingtondale - Agency motion to dismiss (1/11), Petitioner's motion for leave to file response (1/30) Instanter to motion to dismiss

85-212 Village of Morton - Petitioner's motion to modify May 9, 1986 Board Order (1/13), Agency response to motion to modify Board Order (1/23)(RF)

86-8 Heckett - Petitioner's motion to dismiss (1/24)(BF)

86-57 Village of Sauget - Monsanto motion for reconsideration (1/19), Sauget motion for reconsideration and stay (1/19), Agency motion for reconsideration (1/19)(RF)

86-58 (1/19), Agency motion for reconsideration (1/19)(RF)

86-63 (1/25)(JD)

86-218 City of East Moline - Petitioner's motion to stay pending appeal (1/13), Agency response to motion to stay (1/20)

88-80 Sours Grain - Petitioner's motion to dismiss (1/20)

88-152 Cerro Products - Petitioner's motion to dismiss (1/19)

88-158 Pioneer Processing - County of LaSalle's motion to strike attachments to Petitioners appeal for permit denial and petition for declaratory ruling (1/9)(JM)

88-172 Allied-Signal - Petitioner's motion for consolidation (1/20)

88-174 Allied-Signal - Petitioner's motion for consolidation (1/20)

88-195 McLean County Disposal - Agency motion to dismiss or in the alternative stay (1/30)

89-5 Arco Products - Petitioner's motion for stay (1/31)

DISCUSSIONS:

- 86-181 Village of Riverside (BF)
- 88-79 R.R. Donnelley (RF)(open waiver)
- 88-102 Morton Thikoi (JA)(due 2/23)
- 88-132 DMI, Inc. (JM)(due 2/23)
- 88-3 A1steel, Inc. (JM)

REGULATORY DISCUSSIONS:

- 888-6 Mendota Site-Specific (MN)
- 888-23 SOCOMI (JD)

AMENDED PETITIONS:

- 88-176 American National Can (filed 1/24)
- 88-196 Koppers Industries (filed 1/30)
- 88-203 American National Can (filed 1/18)

NEW CASES:

- 89-14 Village of Montgomery v. EPA
- 89-15 A.R.F. Landfill, Corporation v. County of Lake (BF)
- 89-16 Quantum Chemical Corporation, USI Division v. EPA
- 89-17 IDOT, Park District of Highland Park (JM)
- 89-18 EPA v. Plastics, Inc.
- 89-19 Daniel & Helen Lorden v. 100 South Boulevard Sheridan South Condominiums Association (11:00 a.m. February 23, 1989)
- 89-20 IDOT, Chicago Park District and the City of Chicago (JM)

NEW CASES: (Cont'd)

89-21 IDOT, Commonwealth Edison Company (JM)

89-22 City of Hattin v. EPA (Provisional Variance)

89-23 IDOT, Loyola University (JM)

AC APPEALS:

89-10 Jim Landers

NEW AC CASES:

89-19 Caseyville/Nance Open Dump

89-20 Dupo/Hess Open Dump

89-21 Maria J. Ingram

89-22 Metro-East Sanitary District

89-23 Karl Farnham, Sr.

89-24 Rudolph Gluszek & Joseph Kostyle

MINUTES:

January 19, 1989

PENDING CASES ASSIGNED:

83-55	*	Aiton Packaging (RF)(open waiver)
84-92	*	Richard Krohn (JD)
85-95	*	Citizens Utilities (Remand)(JTM)(open waiver)
85-137	*	Fred Jurcak (MN)
85-166	*	Citizens Utilities (JTM)(open waiver)
86-27	*	Modine Manufacturing (Remand)(JA)
86-47	*	Fedders-USA (JD)(due 3/23)
86-161	*	Elizabeth Street Foundry (JD)
87-89	*	Cargill (Remand)(JM)
87-93	*	Commonwealth Edison (RF)
87-127	*	City of East Moline (BF)(due 5/25)
87-131	*	Amerock Corporation (JTM)(open waiver)
87-133	*	McLean County (Remand)(JTM)
87-139	*	Browning-Ferris (JD)
87-171	*	Archer Daniel Midland (JD)
87-209	AS	Commonwealth Edison Company (JA)
88-2	AS	Stepan Company(JM)
88-16	AC	Hinsdale Golf Club (BF)
88-24)	AC	Bi-State Disposal (MN)
88-33)	AC	Pieliet Brothers (RF)
88-51	*	Quantum Chemical (BF)(due 7/21)
88-76	AC	E & E Hauling (JA)
88-77	AC	E & E Hauling (JA)
88-110	*	County of Wabash (MN)(open waiver)
88-117	*	The BGoodrich Company (JTM)(due 4/6)
88-131	*	Ligma Corporation (JD)(open waiver)
88-147	*	Village of Sugar Grove (JA)(due 4/27)
88-151	*	Citizens Utilities (RF)(due 6/22)
88-156	*	Trojan Corporation (MN)(due 4/27)
88-158	*	Pioneer Processing (JM)(due 3/23)
88-168	*	Ensign-Bickford Company (MN)(due 3/9)
88-169	*	Caty Corporation (JM)(due 3/23)
88-173	*	Village of Lake Zurich (JTM)
88-177	*	Ekco Housewares (JM)
88-180	*	City of Ottawa (MN)(due 5/11)
88-190	*	Waste Management (RF)(due 4/6)
88-204	*	Village of Eiburn (JM)(due 4/6)