

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MARCH 9, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #88-180, City of Ottawa, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-21, Maria Ingram; 89-22, Walter Greathouse; 89-23, Karl Farnham, Sr.; 89-24, Rudolph Gluszek and Joseph Kostyle.

An Agency motion to amend the citation and a January 5, 1989 Board Order in #AC 88-99, John Vander, was denied by a vote of 6-1. R. Flemal dissented. (JTM)

An Agency motion to withdraw was granted in #AC 89-30, Bath, Inc., by a vote of 7-0. (JM)

The Board upon its own motion dismissed, without prejudice, the proceedings in #84-92, Richard Krohn, by a vote of 7-0. (JD)

Petitioner's motion for rehearing was denied in #85-140, Citizens Utilities, by a vote of 7-0. (MN)

Petitioner's motion to withdraw was granted in #85-144, Meyer Steel Drum, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in #85-180, Meyer Steel Drum, by a vote of 7-0. (BF)

By a vote of 7-0, an Order was adopted pursuant to a motion for stay and a motion to vacate a proposed modified permit in ##86-57, -58, -62, -63, Village of Sauget and Monsanto Company. (RF)

Petitioner's motion to dismiss was granted in #87-78, Natural Gas Pipeline, by a vote of 7-0. (BF)

Petitioner's motion to reconsider was denied in #87-124, Modine Manufacturing, by a vote of 6-1. R. Flemal dissented. (JTM)

By a vote of 7-0, an Order was adopted pursuant to a counterclaim filed in #87-191, Lefton Iron and Metal. (JM)

Petitioner's motion to dismiss was granted in #88-137, J & R Landfill, by a vote of 7-0. (BF)

By a vote of 7-0, Petitioners' motion to substitute counsel and the parties in #88-178, Indian Refining Company, was granted and the Petitioners were granted until March 20, 1989 to provide such

information as ordered by the Board's January 19, 1989 Order.
(JA)

Respondent's motion for reconsideration of a January 5, 1989 Board Order was denied and Complainant's motion for leave to amend its complaint was granted in #88-183, City of Kankakee, by a vote of 6-1. J. Theodore Meyer dissented. **(JM)**

An Agency motion to dismiss was denied in #89-3, Chemetco, by a vote of 7-0. **(JD)**

An Order regarding the Board's receipt of the statutory filing fee and authorizing a hearing in #89-16, Quantum Chemical, was adopted by a vote of 7-0. **(JA)**

A standard set-for-hearing Order was adopted in #89-25, Can-Am Industries, by a vote of 7-0. **(JA)**

An Order regarding the Board's receipt of the statutory filing fee in #89-28, Waste Management, was adopted by a vote of 7-0. **(JA)**

An Order was adopted pursuant to Petitioner's motion for stay in #89-31, Fansteel/Escast, by a vote of 7-0. **(RF)**

Petitioner's motion for Board determination that an Economic Impact Study should not be prepared in R87-33, Amerock Corporation, was denied by a vote of 7-0. **(JTM)**

A motion for rehearing by Citizens Utilities Company was denied in R88-22, Ammonia Water Standards, by a vote of 7-0. **(RF)**

These cases were discussed and held to March 23, 1989 for further discussion or possible decision: ##86-47, Fedders-USA; 86-181, Village of Riverside; 88-158, Pioneer Processing; 88-169, Catty Corporation; 88-190, Waste Management; 88-194, Monsanto Company.

An Order determining that the Board will proceed to hearing in R88-30, Limits to Volatility of Gasoline, was adopted by a vote of 7-0. **(JD)**

Amended petition #89-14, Village of Montgomery, was accepted and the 120-day decision timeclock was restarted with its filing.

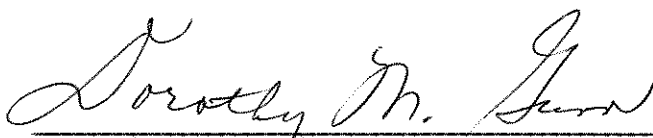
In new cases these actions were taken by a vote of 7-0: #89-41, Old Ben Coal Company v. EPA, accepted for hearing and petition found to be deficient for Petitioner's failure to submit the required statutory filing fee and unless the filing fee is received within 21 days the petition will be subject to dismissal, **Order by B. Forcade**; 89-42, Old Ben Coal Company v. EPA, accepted for hearing and petition found to be deficient for Petitioner's failure to submit the required statutory filing fee and unless the filing fee is received within 21 days the petition will be subject to dismissal, **Order by B. Forcade**; 89-44, Kathy

Western v. Moline Corporation, accepted for hearing; 89-45, Eaton Corporation v. EPA, provisional variance granted, **Order by J. Marlin**; 89-46, Reilly Industries, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**; 89-47, Charles O. Larson Company v. EPA, provisional variance granted, **Order by J. Marlin**; 89-48, Clark Oil Refining Company v. EPA, provisional variance granted, **Order by J. Marlin**; Bi-State Disposal, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; R89-4, UST Financial Assurance Regulations (October 26, 1988), **docket reserved by J. Anderson.**

These Administrative Citations were received by the Board: #89-38, ESG Watts, Inc.; 89-39, Clinton Landfill, Inc.; 89-40, Rodney D. Engstrom; 89-41, D & L Disposal; 89-42, Neil Randall; 89-43, David Ashmann.

Minutes of the February 23 and March 2, 1989 Board Meetings were approved by a vote of 7-0.

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

* 88-180 City of Ottawa (MN)(due 5/11)_____

AC DECISIONS:

89-21 Maria J. Ingram_____

89-22 Walter Greathouse_____

89-23 Karl Farnham, Sr. _____

89-24 Rudolph Gluszek and Joseph Kostyle_____

AC MOTIONS:

88-99 John Vander - Agency motion to amend Citation and
January 5, 1989 Board Order (2/14)

89-30 Bath, Inc. - Agency motion to withdraw (3/3)

MOTIONS:

84-92 Richard Krohn - Board Order of Dismissal (JD)

85-140 Citizens Utilities - Petitioner's motion for rehearing
(2/2), Agency response to motion for rehearing (2/14),
Petitioner's reply to Agency's response to motion for
rehearing (2/14)(MN)_____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 85-144 Meyer Steel Drum - Petitioner's motion to withdraw petition for variance (2/23)(BF) _____
- 85-180 Meyer Steel Drum - Petitioner's motion to withdraw petition for variance (2/23)(BF) _____
- 86-57) Village of Sauget - Monsanto motion for reconsideration
86-62) (1/19), Sauget motion for reconsideration and stay
86-58) (1/19), Agency motion for reconsideration (1/19),
86-63) Agency response to Petitioners' motions for reconsideration and stay (2/2), Village of Sauget's response to Agency's motion for reconsideration (2/2), Monsanto Company's reply to motions for reconsideration (2/2)(Stay issue held from 2/23 Board Meeting), Sauget motion to vacate proposed modified permit (2/14), Agency objection to Petitioner's motion to vacate proposed modified permit (2/22)(RF) _____
- 87-78 Natural Gas Pipeline - Petitioner's motion to dismiss (2/28)(BF) _____
- 87-124 Modine Manufacturing - Petitioner's motion to reconsider (12/21), Agency response to Petitioner's motion to reconsider (1/6), Petitioner's motion for leave to file a reply in support of its motion to reconsider (1/18), Hearing Officer response to January 19, 1989 Board Order (1/30), Petitioner's reply to Hearing Officer's January 26, 1989 letter (2/9)(JTM) _____
- 87-191 Lefton Iron & Metal - Kerr-McGee's Counterclaim (12/29), Respondent Kerr-McGee's response to January 19, 1989 Board Order (2/3), Complainants response to January 19, 1989 Board Order (2/21)(JM) _____
- 88-17 Marley-Ingrid - Petitioner's motion for reconsideration (2/21), Agency response to Petitioner's motion for reconsideration (3/6)(BF) _____
- 88-137 J & R Landfill - Petitioner's motion to dismiss (3/3)(BF) _____
- 88-178 Indian Refining Company - Agency response to January 19, 1989 Board Order (2/3), Petitioner's motion to substitute counsel and to substitute parties (3/6)(JA) _____
- 88-183 City of Kankakee - Respondent's motion to reconsider January 5, 1989 Board Order (2/6), Complainant's motion for leave to amend Complaint (3/1), Complainant's motion to strike Respondent's motion to reconsider (3/2)(JM) _____

MOTIONS: (Cont'd)

- 89-3 Chemetco - Agency motion to dismiss and Memorandum in support of motion to dismiss (2/14), Petitioner's response to Agency motion to dismiss (3/1)
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- 89-15 A.R.F. Landfill - motion for leave to appear as amicus curiae and to file an amicus brief by Prairie Holdings Corporation et al. (3/7)(JD)
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- 89-16 Quantum Chemical - Board Order regarding receipt of filing fee (filing fee paid 2/23)
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- 89-25 Can-Am Industries - 2 Objections (2/27)
-
- 89-28 Waste Management - Board Order regarding receipt of filing fee (filing fee paid 2/27)
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- 89-31 Fansteel/Escast - Petitioner's motion for Stay (2/15)
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- R87-33 Amerock Corporation - Petitioner's motion for Board Order on Economic Impact Study (2/14)(JTM)
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- R88-22 Ammonia Water Standards - motion for rehearing by Citizens Utilities Company (2/6), Agency motion to deny Citizens Utilities motion for rehearing (2/24), Citizens' Reply to Agency motion to deny Citizens Utilities motion for rehearing (2/28)(RF)
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DISCUSSIONS:

- * 86-47 Fedders-USA (JD)(due 3/23)
- 86-181 Village of Riverside (BF)
- * 88-158 Pioneer Processing (JM)(due 3/23)
- * 88-169 Catty Corporation (JM)(due 3/23)
- * 88-190 Waste Management (RF)(due 4/6)
- * 88-194 Monsanto Company (BF)(due 3/23)
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REGULATORY DISCUSSIONS:

- R88-30 Gasoline Volatility (JD)
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AMENDED PETITIONS:

89-14 Village of Montgomery (filed 2/24)(JM) _____

NEW CASES:

89-41 Old Ben Coal Company v. EPA _____

89-42 Old Ben Coal Company v. EPA _____

89-44 Kathy Western v. Moline Corporation (11:00 a.m.) _____

89-45 Eaton Corporation v. EPA (Provisional Variance)(JM) _____

89-46 Reilly Industries, Inc. v. EPA (Provisional Variance)
(JM) _____

89-47 Charles D. Larson Company v. EPA (Provisional Variance)
(JM) _____

89-48 Clark Oil Refining v. EPA (Provisional Variance)(JM) _____

89-49 Bi-State Disposal, Inc. v. EPA (BF) _____

R89-4 UST Financial Assurance Regulations (October 26,
1988)(JA) RESERVED

NEW AC CASES:

89-38 ESG Watts, Inc. _____

89-39 Clinton Landfill, Inc. _____

89-40 Rodney D. Engstrom _____

89-41 D & L Disposal _____

89-42 Neil Randall _____

89-43 David Ashmann _____

MINUTES:

February 23, 1989 _____

MINUTES: (Cont'd)

March 2, 1989 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

* 83-55 Alton 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)
 86-161 Elizabeth Street Foundry (JD)
 87-89 Cargill (Remand)(JM)
 87-93 Commonwealth Edison (RF)
 * 87-127 City of East Moline (BF)(due 9/29)
 * 87-131 Amerock Corporation (JTM)(open waiver)
 87-133 McLean County (Remand)(JTM)
 87-139 Browning-Ferris (JD)
 87-171 Archer Daniels Midland (RF)
 87-209 Commonwealth Edison Company (JA)
 AS 88-2 Stepan Company(JM)
 AC 88-14 Arthur Daniels (JA)
 88-16 Hinsdale Golf Club (BF)
 AC 88-51 Piolet Brothers (RF)
 * 88-58 Quantum Chemical (BF)(due 7/21)
 AC 88-76 E & E Hauling (JA)
 AC 88-77 E & E Hauling (JA)
 AC 88-90 James Esarey (JM)
 * 88-110 County of Wabash (MN)(open waiver)
 * 88-117 The BFGoodrich Company (JTM)(due 4/6)
 * 88-131 Ligma Corporation (RF)(open waiver)
 * 88-151 Citizens Utilities (RF)(due 6/22)
 * 88-156 Trojan Corporation (MN)(due 4/27)
 * 88-168 Ensign-Bickford Company (due 4/27)
 88-171 Donna Hagan et al. (RF)
 88-173 Village of Lake Zurich (JTM)
 * 88-179 Marathon Petroleum (BF)(due 4/6)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 * 88-196 Koppers Company (JM)(due 5/25)
 * 88-204 Village of Elburn (JM)(due 4/6)
 * 89-14 Village of Montgomery (JM)(due 5/25)
 * 89-15 A. R. F. Landfill (JD)(due 5/25)
 * 89-28 Waste Management (JA)(due 6/22)
 * 89-33 Village of Fairview (JTM)(due 6/8)