

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
APRIL 27, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #86-181, Village of Riverside, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #88-158, Pioneer Processing, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #88-171, Donna Hagan, by a vote of 6-1. J. Theodore Meyer dissented. (RF)

An Opinion and Order was adopted in #88-206(B), Monsanto Company, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #89-2, Capitol Machinery, by a vote of 7-0. (JA)

In R86-17(B), Deoxygenating Wastes, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. J. Dumelle concurred. (JM)

In R88-9, Reilly Tar & Chemical, a Proposed Rule, Second First Notice, Opinion and Order was adopted by a vote of 7-0. (MN)

In new case #89-61, Village of Beecher, Respondent's motion to dismiss was denied and the complaint was accepted for hearing by a vote of 7-0. (BF)

New case #89-64, Gallagher Blacktop, was accepted for hearing by a vote of 7-0.

In R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JM)

In R88-27, Underground Storage Tanks, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

An Order determining that an economic impact study should be conducted in R89-5, Groundwater Protection, was adopted by a vote of 7-0. (RF)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-40, Rodney Engstrom; 89-41, D & L Disposal; 89-42, Neil Randall; 89-43, David Ashmann; 89-46, James Romano and Citizens National Bank of Decatur; 89-47, Witvoet Trucking Company, Inc.; Frank Edwards; 89-49, Peoria Disposal Company; 89-50, Illinois-Wisconsin Sand & Gravel; 89-51, T.J. Shambaugh,

Jr.; 89-53, Clarence Keller; 89-54, Village of Bartonville; 89-55, Becker Brothers, Inc.; 89-56, Twin Service; 89-57, Steve Zimmerman and Waste Limited, Inc.

Agency motion to dismiss was granted in #AC 87-64, Carol Parsons, by a vote of 6-1. B. Forcade dissented. (JM)

An Interim Order ordering the Agency to submit its briefs by May 8, 1989 or be subject to sanctions including dismissal of the cases, was adopted in #AC 88-76, -77, E & E Hauling Company, by a vote of 7-0. (JA)

An Interim Order ordering the Agency to submit its briefs by May 8, 1989 or be subject to sanctions including dismissal of the case, was adopted in #AC 88-90, James Esarey, by a vote of 7-0. (JM)

Agency motion to withdraw the Administrative Citation was granted in #AC 89-58, William Fraase, by a vote of 7-0. (JM)

Agency motion to amend the Administrative Citation was granted in #AC 89-60, Village of Millstadt, by a vote of 7-0. (JM)

Respondent's motion for stay of a January 5, 1989 Board Order in #87-62, Riverside Laboratories, was denied by a vote of 7-0. (JD)

A joint motion to extend the briefing schedule in #87-183, Container Corporation, was granted by a vote of 7-0. (JA)

Agency motion for reconsideration of a March 23, 1989 Board Order in #88-17, Marley-Ingrid, was denied by a vote of 7-0. (BF)

By a vote of 7-0, an Order was adopted pursuant to Respondent's petition for an expedited decision in #88-110, County of Wabash. (MN)

Petitioner's amended motion for reconsideration was denied in #88-139, John Sexton Contractors, by a vote of 5-2. J. Anderson and M. Nardulli dissented. (BF)

Agency motion to file its Recommendation Instanter was granted in #88-172, Allied-Signal, by a vote of 7-0. (JA)

An Order dismissing the proceedings in #88-178, Indian Refining Company, was adopted by a vote of 6-1. J. Dumelle dissented. (JA)

By a vote of 7-0, an Order was adopted pursuant to Petitioner's petition for modification of a March 9, 1989 Board Order in #88-180, City of Ottawa. (MN)

By a vote of 7-0, an Order was adopted pursuant to Respondent's answer to Complainant's amended complaint in #88-183, City of

Kankakee, by a vote of 7-0. (JM)

Agency motion to file Instanter its first amended permit record in #89-16, Quantum Chemical, was granted by a vote of 7-0. (JA)

An Order was adopted pursuant to the statutory time period in #89-41, Old Ben Coal Company, by a vote of 7-0. (JM)

An Order was adopted pursuant to the statutory time period in #89-42, Old Ben Coal Company, by a vote of 7-0. (JM)

An Order accepting the Chicago Lung Association's proposal for hearing and directing the Hearing Officer to establish a hearing schedule was adopted in R88-30, Gasoline Volatility, by a vote of 7-0. (JD)

These cases were discussed and held to May 11, 1989 for further discussion or possible decision: ##87-171, Archer Daniels Midland; 88-110, County of Wabash; 89-14, Village of Montgomery; 89-15, A.R.F. Landfill.

These regulatory matters were discussed and held to May 11, 1989 for further discussion or possible decision: R87-2, Marathon Petroleum Company Site-Specific; R87-6, Phosphorus Effluent Standard; R88-22, Ammonia Water Standards; R89-1, RCRA Update (August 1, 1988 through December 31, 1988); R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988); R89-3, Pretreatment Regulations (July 1, 1988 through December 31, 1988).

In new cases these actions were taken by a vote of 7-0: ##89-26, Illinois Department of Transportation, City of Lake Forest, **Chairman authorized to sign the permit document and to prepare an Order**; 89-63, John Metropulos, Jr. v. EPA, additional information requested, **Order by J. Anderson**; 89-65, EPA v. Vaughn M. Bright, d/b/a Imperial Plating Company, hearing mandatory; 89-66, Village of North Aurora v. EPA, additional information requested, **Order by J. Anderson**; 89-67, People of the State of Illinois v. B & W Corporation, hearing mandatory; 89-68, American National Can Company v. EPA, accepted for hearing, **Order by B. Forcade**; 89-69, EPA v. Klausing Tree Service, Inc., hearing mandatory; 89-70, Rockford Products Company v. EPA, accepted for hearing, **Order by B. Forcade**; 89-71, Rockford Products Company v. EPA, additional information requested, **Order by B. Forcade**; 89-72, Olin Chemicals (Joliet Plant) v. EPA, additional information requested, **Order by J. Anderson**; 89-73, Midwest Grain Products v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**; 89-74, Bensenville, Village of v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**; 89-75, Granite City, City of v. EPA, provisional variance granted, **Opinion and Order by J. Marlin**; 89-76, AT & T Montgomery Works v. EPA, provisional variance granted, **Order by J. Marlin**; 89-77, Kysor/Westran v. EPA, provisional variance granted, **Order by J. Marlin**; 89-78, Moline Corporation v. EPA, accepted for hearing and the parties

ordered to file memoranda by June 1, 1989 addressing whether the two operating permits should be separately docketed or whether the matter can be adequately addressed in one docket if the hearing officer keeps all evidence and testimony regarding the two permits separate, **Order by B. Forcade.**


Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##89-45, Adella Klasinz; 89-59, Ted Standefer.

These Administrative Citations were received by the Board: ##89-68, Rochelle Disposal Service, Inc.; 89-69, Wayne Winter; 89-70, West Chicago Auto Wreckers & Raymond Fuchs; 89-71, Litchfield-Hillsboro Sanitary Landfill, Inc.; 89-72, City of West Frankfort; 89-73, Fitz-Mar, Inc.; 89-74, Donald Litweiller; 89-75, John Henry; 89-76, Roy Frietsch; 89-77, Winnebago Reclamation Service, Inc.; 89-78, J & R Landfill, Inc.; 89-79, Gene Whitlock.

Minutes of the April 6, 1989 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to May 11, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 11th day of May, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 27, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 86-181 Village of Riverside (BF) _____
- 88-16 Hinsdale Golf Club (BF) _____
- * 88-158 Pioneer Processing (JM)(due) _____
- 88-171 Donna Hagan et al. (RF) _____
- 88-201 City of Marion (JA) _____
- * 88-206 Monsanto Company (JM)(due 6/22) _____
(B)
- 89-2 Capitol Machinery (JA) _____
- R86-17 Deoxygenating Wastes, Adopted Rule, Final Order, Opinion
(B) and Order (JM) _____
- R88-9 Reilly Tar & Chemical, Proposed Rule, Second Notice,
Order (MN) _____
- R88-24 Managing Scrap Tire Accumulations for the Control of
Mosquitoes, Part 849, Adopted Rule, Final Opinion and
Order (JM) _____
- R88-27 Underground Storage Tanks, Adopted Rule, Final Order,
Opinion and Order (JA) _____
- R89-5 Groundwater, EcIS Determination (RF)

- RES 89-2 Duplicitous and Frivolous Determination Resolution (RF)

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

89-40 Rodney Engstrom _____
89-41 D & L Disposal _____
89-42 Neil Randall _____
89-43 David Ashmann _____
89-46 James Romano and Citizens National Bank of Decatur

89-47 Witvoet Trucking Company, Inc. _____
89-48 Frank Edwards _____
89-49 Peoria Disposal Company _____
89-50 Illinois-Wisconsin Sand & Gravel _____
89-51 T. J. Shambaugh, Jr. _____
89-53 Clarence Keller _____
89-54 Village of Bartonville _____
89-55 Becker Brothers, Inc. _____
89-56 Twin Service _____
89-57 Steve Zimmerman & Waste Limited, Inc. _____

AC MOTIONS:

87-64 Carol Parsons - Agency motion to dismiss (4/7)

88-76 E & E Hauling - Interim Order of the Board (JA)
88-77 _____
88-90 James Esarey - Interim Order of the Board (JM)

89-38 ESG Watts - Agency motion to vacate April 6, 1989
default Order and to dismiss action (4/17)

89-58 William Fraase - Agency motion to withdraw
Administrative Citation (4/24) _____

AC MOTIONS: (Cont'd)

89-60 Village of Millstadt - Agency motion to amend
Administrative Citation (4/21)

MOTIONS:

87-62 Riverside Laboratories - Respondent's motion for Stay of
January 5, 1989 Board Order (4/12), Petitioner's
response in opposition to Agency motion for Stay
(4/21)(JD)

87-183 Container Corporation - joint motion to extend briefing
schedule (4/25)

88-17 Marley-Ingrid - Agency motion for reconsideration of
March 23, 1989 Board Order (4/13), Petitioner's response
to Agency motion for reconsideration (4/26)(BF)

88-110 County of Wabash - Respondent's petition for expedited
decision (4/13)(MN)

88-127 Koppers Company - Respondent's motion to correct
Transcript (4/20)(JD)

88-139 John Sexton Contractors - Petitioner's amended motion
for reconsideration (3/30), Agency response to
Petitioner's amended motion for reconsideration (4/7),
Petitioner's motion for leave to file Petitioner's Reply
to Respondent's Response to Petitioner's amended motion
for reconsideration (4/17)(BF)

88-172 Allied-Signal - Agency motion for leave to file
Recommendation Instanter (4/18)

88-178 Indian Refining Company - Agency response to January 19,
1989 Board Order (2/3), Petitioner's response to Board
Order (4/19)(JA)

88-180 City of Ottawa - Petitioner's petition for modification
of March 9, 1989 Board Order, Agency response to
petition for modification (4/14), Agency's clarification
of response to petition for modification (4/21)(MN)

88-183 City of Kankakee - Respondent's answer to Complainant's
amended complaint (3/17), Complainant's reply to
Respondent's answer to amended complaint (4/4),
Complainant's response to March 23, 1989 Board Order
(4/4)(JM)

MOTIONS: (Cont'd)

89-16 Quantum Chemical - Agency motion to file First Amended Agency Permit Record Instanter (4/14)

89-41 Old Ben Coal Company - Board Order regarding Statutory time period (JM)

89-42 Old Ben Coal Company - Board Order regarding Statutory time period (JM)

R88-30 Gasoline Volatility - Chicago Lung Association's response to April 6, 1989 Board Order (4/13)(JD)

DISCUSSIONS:

87-171 Archer Daniels Midland (RF)

* 88-110 County of Wabash (MN)(open waiver)

* 89-14 Village of Montgomery (due 6/22)(JM)

* 89-15 A.R.F. Landfill (JD)(due 5/25)

REGULATORY DISCUSSIONS:

R87-2 Marathon Petroleum Company Site-Specific (BF)

R87-6 Phosphorus Effluent Standard, Proposed Rule, Revised and Corrected Second Notice, Proposed Opinion and Order (JA)

R88-22 Ammonia Water Standards (RF)

R89-1 RCRA Update (August 1, 1988 through December 31, 1988), Proposal for Public Comment (JA)

R89-2 UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988)(JA)

R89-3 Pretreatment Regulations (July 1, 1988 through December 31, 1988)(JM)

AMENDED PETITIONS:

88-131 Ligma Corporation (filed 4/25)(See also motion for leave to file Instanter (4/25))(RF) _____

NEW CASES:

89-26 IDOT, City of Lake Forest (JM) _____

89-61 Thomas S. Fredette v. Village of Beecher (11:00 a.m.) _____

89-63 John Metropulos, Jr. v. EPA (Note: Petition filed 4/12; Statutory filed fee paid 4/17) _____

89-64 Will County Environmental Network v. Gallagher Blacktop (11:00 a.m.) _____

89-65 EPA v. Vaughn M. Bright, d/b/a Imperial Plating Company _____

89-66 Village of North Aurora v. EPA (Note: Petition filed 4/14; Statutory filing fee paid 4/18) _____

89-67 People of the State of Illinois v. B & W Corporation _____

89-68 American National Can Company v. EPA (BF) _____

89-69 EPA v. Klausung Tree Service, Inc. _____

89-70 Rockford Products Company v. EPA (BF) _____

89-71 Rockford Products Company v. EPA _____

89-72 Olin Chemicals (Joliet Plant) v. EPA _____

89-73 Midwest Grain Products v. EPA (Provisional Variance)(JM) _____

89-74 Bensenville, Village of v. EPA (Provisional Variance) (JM) _____

89-75 Granite City, City of v. EPA (Provisional Variance)(JM) _____

NEW CASES: (Cont'd)

89-76 AT & T Montgomery Works v. EPA (Provisional Variance)
(JM) _____

89-77 Kysor/Westran v. EPA (Provisional Variance)(JM)

AC APPEALS:

89-45 Adella Klasinz _____

89-59 Ted Standefer _____

NEW AC CASES:

89-68 Rochelle Disposal Service, Inc. _____

89-69 Wayne Winter _____

89-70 West Chicago Auto Wreckers & Raymond Fuchs _____

89-71 Litchfield-Hillsboro Sanitary Landfill, Inc. _____

89-72 City of West Frankfort _____

89-73 Fitz-Mar, Inc. _____

89-74 Donald Litweiller _____

89-75 John Henry _____

89-76 Roy Frietsch _____

89-77 Winnebago Reclamation Service, Inc. _____

89-78 J & R Landfill, Inc. _____

89-79 Gene Whitlock _____

MINUTES:

April 6, 1989 _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
85-137 Fred Jurcak (MN)
* 85-166 Citizens Utilities (JTM)(open waiver)
86-161 Elizabeth Street Foundry (JD)
87-89 Cargill (Remand)(JM)
87-93 Commonwealth Edison (RF)
* 87-127 City of East Moline (BF)(due 9/28)
* 87-131 Amerock Corporation (JTM)(open waiver)
87-133 McLean County (Remand)(BF)
87-139 Browning-Ferris (JD)
* 87-185 Jefferson Smurfit (JA)(due 6/22)
87-209 Commonwealth Edison Company (JA)
AS 88-2 Stepan Company(JM)
AC 88-14 Arthur Daniels (JA)
88-36 Mervis Industries (JD)
AC 88-51 Piolet Brothers (RF)
* 88-58 Quantum Chemical (BF)(due 7/13)
88-71 Allen Barry (BF)
AC 88-76 E & E Hauling (JA)
AC 88-77 E & E Hauling (JA)
AC 88-90 James Esarey (JM)
* 88-97 Illinois Power Company (JD)(due 6/8)
AC 88-104 Linn Radloff (JD)
* 88-116 Sexton Filling & Grading (BF)(due 6/22)
88-127 Koppers Company (JD)
* 88-131 Ligma Corporation (RF)(open waiver)
* 88-151 Citizens Utilities (RF)(due 6/22)
* 88-156 Trojan Corporation (MN)(due 7/13)
* 88-168 Ensign-Bickford Company (due 7/13)
88-173 Village of Lake Zurich (JTM)
* 88-176 American National Can (RF)(due 5/25)
* 88-179 Marathon Petroleum (BF)(due 7/27)
* 88-195 McLean County Disposal (JTM)(open waiver)
* 88-196 Koppers Company (JM)(due 5/25)
* 89-15 A. R. F. Landfill (JD)(due 5/25)
89-23 IDOT, Loyola University (RF)
89-24 Old Ben Coal Company (MN)
* 89-28 Waste Management (JA)(due 6/22)
* 89-33 Village of Fairview (JTM)(due 6/8)
* 89-55 Village of Coal City (MN)(due 7/13)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 27, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

NEW CASES:

89-78 Moline Corporation v. EPA _____