

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JANUARY 5, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #85-140, Citizens Utilities, by a vote of 7-0. (MN)

An Order dismissing the proceedings in #85-203, City of Farmington, was adopted by a vote of 7-0. (JD)

An Opinion and Order was adopted in #86-104, Sours Grain, by a vote of 7-0. (RF)

An Order was adopted in #87-62, Riverside Laboratories, by a vote of 5-2. Messrs. B. Forcade and J. Theodore Meyer dissented. (JD)

An Opinion and Order was adopted in #AS 88-1, Viskase Corporation, by a vote of 7-0. (JM)

J. Anderson moved a draft Opinion and Order in #88-85, The Eureka Company. Motion to amend by J. Dumelle failed to carry by a vote of 1-6 with J. Dumelle for it and J. Anderson, B. Forcade, R. Flemal, J. Marlin, J. Theodore Meyer and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 7-0. J. Dumelle concurred. (JA)

An Opinion in support of a previously entered Order in #88-164, Village of Winnetka, was adopted by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #88-181, City of Spring Valley, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

In R87-6, Phosphorus, a Proposed Rule, Second Notice, Correction of Proposed Order was adopted by a vote of 6-1. B. Forcade dissented. (JA)

In R84-20, Joliet Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JTM)

In R88-1, Omnibus Rulemaking, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (RF)

In R88-22, Ammonia Water Standards, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (RF)

A Resolution of the Board was adopted in RES 89-1, Application of Procedural Amendments of P.A. 85-1048 to NEWLY-filled and Pending Regulatory Proceedings, by a vote of 7-0. (JM)

Orders were adopted in these Administrative Citations by a vote of 7-0: #88-94, Industrial Salvage, Inc.; 88-95, Village of Rossville; 88-96, City of Leroy; 88-97, Edward Deibel; 88-98, Edward Ware; 88-99, John Vander; 88-100, Okaw Buildings, Inc.; 88-102, Kenneth Halls; 88-103, Frank Sentel; 88-106, Village of Elizabeth; 88-107, Dan Heusinkved; 88-108, Edward J. Deibel; 88-109, John Jennings; 88-110, Everett Allen.

In #AC 88-24, -33, Bi-State Disposal, Respondent's consolidated request for reconsideration and clarification was granted and upon reconsideration the Board upheld its December 15, 1988 Opinion and Order by a vote of 7-0. (MN)

Complainant's motion to dismiss was granted in #AC 88-105, Gary Radloff, by a vote of 7-0. (JD)

Complainant's motion to withdraw was granted in #AC 88-111, Centralia, by a vote of 7-0. (JD)

A status Order was adopted in #85-137, Fred Jurcak, by a vote of 7-0. (MN)

Petitioner's motion to dismiss was granted in #86-137, General Motors, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in #88-103, Burkart Foam, by a vote of 7-0. (BF)

Complainant's motion to dismiss without prejudice was granted in #88-133 Illinois Cereal Mills, by a vote of 7-0. (JM)

By a vote of 7-0, an Agency motion for extension of time to file its Recommendation in #88-147, Village of Sugar Grove, was granted until January 27, 1989 and a December 22, 1988 letter received from Petitioner's attorney was construed by the Board to be a 45 day waiver of the decision deadline until April 29, 1989. (JA)

An Agency motion for reconsideration was granted and upon reconsideration an amended petition was requested in #88-168, Ensign-Bickford, by a vote of 7-0. (MN)

By a vote of 7-0, Respondents' motions to dismiss in #88-173, Village of Lake Zurich et al., were denied, and the Board also determined that the Agency was not a necessary party to this proceeding and directed the Clerk to serve a copy of the Order on the Agency. (JTM)

By a vote of 7-0, an Agency motion for leave to file Record Instanter in #88-179, Marathon Petroleum, was granted and the parties were directed to advise the Board on or before January 16, 1989, the status of two volumes labelled "Exhibit L: Confidential Documents". (JA)

Respondent's motion to dismiss was denied in #88-199, Seegers Grain, by a vote of 7-0. (JD)

An agreed motion for voluntary dismissal was granted in R87-40, USI Site-Specific, by a vote of 7-0. (BF)

An Interim Order was adopted in R88-21, Water Toxics, by a vote of 7-0. (RF)

These cases were discussed and held to January 19, 1989 for further discussion or possible decision: #88-17, Marley-Ingild; 88-130, New Jersey Zinc; 88-139, John Sexton Contractors.

Petitioner's motion for leave to file response Instanter to Respondent's Brief was granted in #88-139, John Sexton Contractors, by a vote of 7-0. (JA)

This regulatory matter was discussed and held to January 19, 1989 for further discussion or possible decision: R81-19, Citizens Utilities.

In amended petitions these actions were taken by a vote of 7-0: #88-79, R.R. Donnelley, 120-day decision time clock restarted with its filing and motion for subpoena for attendance at hearing referred to Hearing Officer for disposition; 88-151, Citizens Utilities, Agency motion for extension of time to file Recommendation granted and hearing authorized, Order by R. Flernal; 88-156, Trojan Corporation, Board refused to accept the amended petition as a variance petition and additional information requested, Order by M. Nardulli; 88-172, Allied-Signal, Inc., hearing authorized, Order by B. Forcade; 88-188, Shell Oil, petitioner's response to December 19, 1988 Board Order for additional information accepted as an amended petition and hearing authorized, Order by J. Anderson.

In new cases these actions were taken by a vote of 7-0: #88-163, Vincent A. Koers et al. v. Environmental Protection Agency and Allied-Signal, held to January 19, 1989 for further consideration; 88-183, Northern Illinois Anglers' Association v. The City of Kankakee, complaint accepted for hearing to the extent of the fecal coliform after January 1, 1988 and Certified Operator allegations and the remainder of the complaint was dismissed, J. Anderson concurred, Order by J. Martin; 88-202, AT&T Information Systems v. EPA, accepted for hearing, Order by B. Forcade; 88-203, American National Can Company v. EPA, accepted for hearing, Order by B. Forcade; 88-204, Village of Elburn v. EPA, held for Agency Recommendation; 88-205, A.E. Staley Manufacturing Company v. EPA, accepted for hearing, Order by B. Forcade; 88-206 (Docket A), Monsanto Company v. EPA, Board determined that the claimed items of information are subject to protection as confidential information and the Clerk of the Board was ordered to protect these articles pursuant to Subpart C of 35 Ill. Adm. Code 120, and to mark these items with the word "Determined" pursuant to 35 Ill. Adm. Code 120.310, Order by B.

Forcade; 88-206 (Docket B), Monsanto Company v. EPA, accepted for hearing and trade secret issues dealt with under separate docket #88-206 (A), Order by B. Forcade; 88-207, Central Illinois Public Service Company, Section 302.211(f), accepted for hearing; 89-1, Salt Creek Drainage Basin Sanitary District Sewage Treatment Plant v. EPA, provisional variance granted, Opinion and Order by J. Dumelle; 89-2, EPA v. Capitol Machinery Company, hearing mandatory.

These Administrative Citations will be set for hearing: #88-93, City of Herrin; 88-104, Linn Radloff; 88-117, Williamson County.

These Administrative Citations were received by the Board: #88-116, Jesse Johnson; 88-118, Clevenger Contractors; 88-119, City of Belvidere.

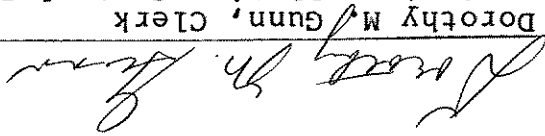
Minutes of the December 15, 1988 Board Meeting were approved by a vote of 7-0.

J. Dumelle moved a draft Order in R88-30, Limits to Volatility of Gasoline. Motion to amend by J. Anderson and seconded by R. Flemal carried by a 4-3 vote with J. Anderson, R. Flemal, J. Marlin and J. Theodore Meyer for it and J. Dumelle, B. Forcade and M. Nardulli against it. A Request for Written Public Comment, Order was then adopted by a vote of 7-0. B. Forcade concurred. (JD)

All other matters not disposed of as listed were ordered held to January 19, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of January, 1989 by a vote of 7-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD
 FINAL AGENDA
 JANUARY 5, 1989 CHICAGO, ILLINOIS
 CONFERENCE ROOM 9-040
 10:30 A.M.

DECISIONS:

85-140	*	Citizens Utilities (MN) (open waiver)
85-203		City of Farmington, Dismissal Order (JD)
86-104		Sours Grain (RF)
87-62	*	Riverside Laboratories (JD) (due)
88-1	AS	Viskase Corporation (JM)
88-85	*	The Eureka Company (JA) (due)
88-164	*	Village of Winnetka, Opinion (JTM)
88-181	*	City of Spring Valley (RF) (due 2/23)
88-7-6		Phosphorus, Proposed Rule, Second Notice, Correction of Proposed Order (JA)
884-20		Joliet Site-Specific, Adopted Rule, Final Opinion and Order (JTM)
888-1		Omnibus Rulemaking, Proposed Rule, Second Notice (RF)
888-22		Ammonia Water Standards, Proposed Rule, Second Notice (RF)
RES 89-1		Application of Procedural Amendments of P. A. 85-1048 to Newly-Filed and Pending Regulatory Proceedings, Resolution of the Board

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

88-94 Industrial Salvage, Inc.

88-95 Village of Rossville

88-96 City of Leroy

88-98 Edward Ware

88-99 John Vander

88-100 Okaw Buildings, Inc.

88-102 Kenneth Halls

88-103 Frank Sentei

88-106 Village of Elizabeth

88-107 Dan Heusinkved

88-108 Edward J. Deibel

88-109 John Jennings

88-110 Everett Allen

AC MOTIONS

88-24 Bi-State Disposal - Respondent's consolidated request for reconsideration and clarification (1/3)(MN) (A)

88-33

88-105 Gary Radloff - Complainant's Motion to Dismiss (12/27)

88-111 Centralia - Complainant's Motion to Withdraw (12/27)

MOTIONS:

85-137 Fred Jurcak - Status Order (MN)

86-137 General Motors - Petitioner's Motion to Dismiss (12/28) (BF)

MOTIONS: (Cont'd)

- 86-181 Village of Riverside - Respondent's motion to strike Intervenor's Reply Brief (12/15), Intervenor's response to Respondent's motion to strike (12/23)(BF)
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- 87-124 Modine Manufacturing - Petitioner's motion to reconsider and motion for leave to file single copy of oversized Exhibit (12/21)
-
- 87-191 Letton Iron - Kerr-McGee's Counterclaim (12/29)
-
- 88-103 Burkart Foam - Petitioner's Withdrawal of Petition (12/30)(BF)
-
- 88-133 Illinois Cereal Mills - Complainant's motion to dismiss without prejudice (12/12), Respondent's response to motion to dismiss (12/15)
-
- 88-147 Village of Sugar Grove - Agency motion for extension of time to file Recommendation (12/19), Petitioner's motion for extension of time (12/22)(JA)
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- 88-168 Ensign-Bickford - Agency motion for reconsideration of Agency's motion for dismissal (12/15)(MN)
-
- 88-173 Village of Lake Zurich - motion to dismiss by Respondent Village of Lake Zurich (11/9), Motion to dismiss by Respondent Lexington Development Corporation (11/15), motion to dismiss by Respondent ESR/Enden Corporation (11/18), Complainant's response to Respondent Village of Lake Zurich motion to dismiss (11/23)(JTM)
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- 88-179 Marathon Petroleum - Agency motion for leave to file Administrative Record Instanter (1/3)(JA)
-
- 88-199 Seeger's Grain - Respondent's motion to dismiss (12/23), Complainant's response to Respondent's motion to dismiss (1/4)
-
- 88-40 USI Site-Specific - agreed motion for voluntary dismissal (12/22)(BF)

MOTIONS: (Cont'd)

R88-21 Water Toxics - Agency motion to direct the Agency on Amendments to the Agency's Amended Proposal (12/22), Agency motion to consider and adopt the Proposed Amendments to the Illinois Toxics Control Strategy and the Proposed Amendments to Title 35, Subtitle C (12/22), Interim Order (RF)

DISCUSSIONS:

88-17 Marley-Ingred (BF)(due 4/6)
 88-130 New Jersey Zinc (MN)(due 1/19)
 88-139 John Sexton Contractors (See also Petitioner's motion for leave to file response to Respondent's Brief Instanter (1/3))(JA)(due 1/19)

REGULATORY DISCUSSIONS:

R81-19 Citizens Utilities (JD)

AMENDED PETITIONS:

88-79 R. R. Donnelley (filed 12/28)

88-151 Citizens Utilities (filed 12/29)(See also Agency motion for extension of time to file Recommendation (12/19)) (RF)

88-156 Trojan Corporation (filed 12/16)

88-172 Allied-Signal, Inc. (filed 12/19), Objection (12/27)(BF)

88-188 Shell Oil (filed 12/19)

NEW CASES:

88-163 Vincent A. Koers et al. v. EPA and Allied-Signal (See also motion to dismiss by Allied-Signal (10/28), Agency Brief in response to October 20, 1988 Board Order (11/2), Allied-Signal Memorandum of Law in response to October 20, 1988 Board Order(11/28))(JA)

NEW CASES: (cont'd)

88-183 Northern Illinois Anglers' Association v. The City of
Kankakee (See Complainant's Memorandum of Law dated 12/8
and Respondent's Brief in response to November 17, 1988
Board Order)(JM)

88-202 AT&T Information Systems v. EPA (BF)

88-203 American National Can Co. v. EPA

88-204 Village of Eiburn v. EPA

88-205 A. E. Staley Manufacturing Company v. EPA (BF)

88-206 Monsanto Company v. EPA (Trade Secret Determination)(BF)
(A)

88-206 Monsanto Company v. EPA (BF)
(B)

88-207 Central Illinois Public Service Company, Section
302.211(f)

89-1 Salt Creek Drainage Basin Sanitary District Sewage
Treatment Plant v. EPA (Provisional Variance)

888-30 Limits to Volatility of Gasoline (JD)

889-1 RCRA Update, USEPA Regulations (August 1, 1988 through
December 31, 1988) (RESERVED)

889-2 UIC Update, USEPA Regulations (July 1, 1988 through
December 31, 1988) (RESERVED)

889-3 Pretreatment Regulations (July 1, 1988 through December
31, 1988) (RESERVED)

AC APPEALS:

88-93 City of Herrin

88-104 Linn Radloff

88-117 Williamson County

NEW AC CASES:

88-116 Jesse Johnson

88-118 Clevenger Contractors

88-119 City of Belvidere

MINUTES:

December 15, 1988

PENDING CASES ASSIGNED:

83-55	*	Alton Packaging (RF)(open waiver)
84-92	*	Richard Krohn (JD)
85-95	*	Citizens Utilities (Remand)(JTM)(open waiver)
85-166	*	Citizens Utilities (JTM)(open waiver)
85-203	*	City of Farmington (JD)(open waiver)
86-27		Modine Manufacturing (Remand)(JA)
86-161		Elizabeth Street Foundry (JD)
86-181		Village of Riverside (BF)
87-89		Cargill (Remand)(JM)
87-93		Commonwealth Edison (RF)
87-104		Continental Grain (JM)
87-127	*	City of East Moline (BF)(due 5/25)
87-131	*	Amerock Corporation (JTM)(open waiver)
87-139		Browning-Ferris (JD)
87-171		Archer Daniel Midland (JD)
87-209		Commonwealth Edison Company (JA)
88-2	AS	Allsteel, Inc. (JM)
88-3	AS	Stepan Company (JM)
88-14	*	Minnesota Mining & Manufacturing (BF)(due 2/23)
88-14	AC	Archer A. Daniels (JA)
88-16		Hinsdale Golf Club (BF)
88-21	*	Rowe Foundry (JD)(due 2/2)
88-51	AC	Piellet Brothers (RF)
88-58	*	Quantum Chemical (BF)(due 7/21)
88-102	*	Morton Thiokol (JA)(due 2/23)
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 4/27)
88-156	*	Trojan Corporation (MN)(due 4/6)
88-158	*	Pioneer Processing (JM)(due 3/23)
88-168	*	Ensign-Bickford Company (MN)(due 3/9)
88-173		Village of Lake Zurich (JTM)
88-180	*	City of Ottawa (MN)(due 2/23)
88-190	*	Waste Management (RF)(due 4/6)