

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JANUARY 19, 1989, CHICAGO, ILLINOIS

All Board Members were present.

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

An Order directing the Clerk of the Board to docket and file a letter received January 12, 1989 and dated January 10, 1989 from Valdas Adamkus of the USEPA to Bernard Killian and carbon copies to John Marlin, and to serve the Order and letter to counsel for parties and to the USEPA, was adopted in #86-57, -62, -58, -63, Village of Saugat and Monsanto Company, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-17, Marley-Ingriid, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #88-130, New Jersey Zinc, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-135, Rowe Construction, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-140, Consolidation Coal, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-141, Consolidation Coal, by a vote of 7-0. (RF)

By a vote of 7-0, a dismissal Order was adopted in R88-15, Department of the Army. (JM)

In R88-5 (A & B), Procedural Rules, a Proposed Rule, Second Notice, Order was adopted by a vote of 7-0. (JTM)

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

By a vote of 7-0, a dismissal Order was adopted in R88-29, RCRA Corrections, Miscellaneous RCRA Units. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: #88-112, ESG Watts; 88-113, Multi-County Landfill; 88-114, Willis Little; 88-115, John Barr.

By a vote of 7-0, new case #89-4, City of Elmhurst v. Elmhurst-Chicago Stone Company, was accepted for hearing.

An Agency motion to amend the Administrative Citation was granted

In #AC 88-96, City of Leroy, by a vote of 7-0. (JA)

An Agency motion to dismiss was granted in #AC 88-101, Larry Waldrop, by a vote of 7-0. (JA)

An Agency motion to withdraw was granted in #AC 88-117, Duane Wittenborn, by a vote of 7-0. (JA)

Respondent's motion to strike intervenor's Reply Brief was denied in part and granted in part in #86-181, Village of Riverside, by a vote of 7-0. (BF)

By a vote of 6-1, petitioner's motion for leave to file a single copy of an exhibit was denied and the Hearing Officer was ordered to respond by February 1, 1989 to claims made by the Petitioner at pages 18 and 19 of petitioner's motion for reconsideration in #87-124, Modine Manufacturing. R. Flemal dissented. (JTM)

Petitioner's motion to dismiss was granted in #87-172, Stepan Company, by a vote of 7-0. (RF)

An Order was adopted pursuant to a counterclaim filed in #87-191, Leton Iron and Metal Company, by a vote of 7-0. (JM)

Petitioner's motion to file exhibits was granted in #88-102, Morton Thokol, by a vote of 7-0. (JA)

An Order was adopted pursuant to a motion for clarification in #88-134, Village of Plainfield, by a vote of 7-0. J. Dumelle concurred. (MN)

Petitioner's motion for an extension of time to file an amended petition in #88-156, Trojan Corporation, was granted until February 20, 1989 by a vote of 7-0. (MN)

By a vote of 7-0, an Order was adopted pursuant to Complainant's motion to voluntarily dismiss Nichols Grove Properties as a defendant, Respondent's ESR/Anden Corporation and Liberty Lake's motion for extension of time to reply to Complainant's motion for interim relief, and Complainant's motion to file exhibits in #88-173, Village of Lake Zurich. (JTM)

By a vote of 7-0, an Agency motion for leave to file Record Instantier in #88-178, Indian Refining Company, was granted and the parties were directed to advise the Board on or before January 30, 1989, the status of a volume labelled "Exhibit J: Confidential Documents". (JA)

In R88-28, Amendments to 211 and 243, PM¹⁰, an Agency motion to dismiss was granted by a vote of 7-0. (JD)

These cases were discussed and held to February 2, 1989 for further discussion or possible decision: #88-14, Minnesota Mining; AC 88-14, Arthur Daniels; 88-21, Rowe Foundry; 88-139,

This regulatory matter was discussed and held to February 2, 1989 for further discussion or possible decision: R88-27, Underground Storage Tanks, Proposal for Public Comments.

In amended petitions these actions were taken by a vote of 7-0: #88-147, Village of Sugar Grove, held for an Agency Recommendation; 88-180, City of Ottawa, 120-day decision time clock restarted with its filing.

In new cases these actions were taken by a vote of 7-0: #88-163, Vincent A. Koers et al. v. EPA and Allied-Signal, proceedings dismissed, B. Forcade concurred, Order by J. Anderson; 89-3, Chemetco, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 89-5, Arco Products Company v. EPA, accepted for hearing, Order by B. Forcade; 89-6, Rockford Products Corporation v. EPA, accepted for hearing, Order by B. Forcade;

89-7, United City of the Village of Yorkville v. EPA, additional information requested, Order by J. Marlin; 89-8, Masonite Corporation v. EPA, provisional variance granted, Order by J. Theodore Meyer; 89-9, CWM Chemical Services v. EPA, provisional variance granted, Order by J. Theodore Meyer; 89-10, Amoco Petroleum Additives v. EPA, provisional variance granted, Order by J. Theodore Meyer; 89-11, Northwestern Steel and Wire Company v. EPA, provisional variance granted, Order by J. Theodore Meyer; 89-12, Interlake/Mendota v. EPA, provisional variance granted, Order by J. Theodore Meyer; 89-13, Triad Circuits, Inc. v. EPA, provisional variance granted, Order by J. Theodore Meyer.

These Administrative Citations will be set for hearing: #88-116, Jesse Johnson; 89-2, Frank Wilner.

These Administrative Citations were received by the Board: #89-1, Russell Harris; 89-3, City of Springfield; 89-4, Western Lion, Ltd.; 89-5, Upper Rock Island County Landfill, Inc.; 89-6, Community Landfill; 89-7, Krohn Development Corporation; 89-8, John Bickhan; 89-9, Steve Loveall; 89-10, Jim Landers; 89-11, Letton Iron and Metal Corporation; 89-12, Carol Woodson; 89-13, Jane E. Schwabberger; 89-14, Donald Ropp; 89-15, Robert Pratt; 89-16, Union Pacific Railroad Company; 89-17, Luther and Margaret Treadwell; 89-18, J & R Landfill, Inc.

Minutes of the January 5, 1989 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to February 2, 1989 for further consideration.

John Sexton Contractors.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 2nd day of February, 1989 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
 FINAL AGENDA
 JANUARY 19, 1989 CHICAGO, ILLINOIS
 CONFERENCE ROOM 9-040
 10:30 A.M.

DECISIONS:

87-62 Riverside Laboratories, Opinion (JD)
 86-57 Village of Saugat, Board Order (RF)
 86-62

* 88-17 Marley-Ingred (BF)(due 4/6)

* 88-130 New Jersey Zinc (MN)(due)

88-135 Rowe Construction (RF)

* 88-140 Consolidation Coal (RF)(due 2/23)

* 88-141 Consolidation Coal (RF)(due 2/23)

88-15 Department of the Army, Dismissal Order (JM)

88-5 (A & B) Procedural Rules, Proposed Rule, Second Notice, Order (JTM)

88-22 Ammonia Water Standards, Proposed Rule, Second Notice, Correction of Order (RF)

88-29 RCRA Corrections, Miscellaneous, RCRA Units, Dismissal Order (JA)

AC DECISIONS:

88-112 ESG Watts

88-113 Multi-County Landfill

* INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS: (Cont'd)

- 88-114 Willis Little
- 88-115 John Barr

AC MOTIONS:

- 88-96 City of Leroy - Agency motion to amend Administrative Citation (1/13)

- 88-101 Larry Waldrop - Agency motion to dismiss (1/13)

- 88-117 Duane Wittenborn - Agency motion to withdraw (1/18)

MOTIONS:

- 85-25 Village of Bloomington - Agency motion to dismiss (1/11)

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

- 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)

- 86-218 City of East Moline - Petitioner's motion to Stay pending appeal (1/13)(JD)

- 87-124 Modine Manufacturing - Petitioner's motion to reconsider and motion for leave to file single copy of oversized Exhibit (12/21), Respondent's response to Petitioner's motion to reconsider (1/6)

- 87-172 Stepan Company - Petitioner's motion to dismiss (1/13)(RF)

- 87-191 Leton Iron - Kerr-McGee's Counterclaim (12/29) (JM)

- 88-102 Morton Thokol - Petitioner's response to Board Order and motion to file exhibits (1/17)(JA)

- 88-134 Village of Plainfield - Petitioner's motion for Clarification of Board Order of 12/15/88 (JM)

MOTIONS: (Cont'd)

88-156 Trojan Corporation - Petitioner's motion for extension of time to file amended petition (1/13)(MN)

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)

88-173 Village of Lake Zurich - Complainant's motion to voluntarily dismiss Nichols Grove Properties as a Respondent (1/9), Complainant's motion for Interim Relief (1/10), Complainant's motion for leave to file exhibits (1/17), Respondents ESR/Anden Corporation and Liberty Lake Partnership motion for extension of time to respond to Complainant's motion for Interim Relief (1/17)(JTM)

88-178 Indian Refining Company - Agency motion for leave to file Administrative Record Instante (1/9)(JA)

88-179 Marathon Petroleum - Petitioner's response to January 5, 1989 Board Order (1/17), Agency Response to January 5 Board Order (1/18)(JA)

88-28 Amendments to 211 and 243, PM10 - Agency motion to dismiss (1/18)(JD)

DISCUSSIONS:

* 88-14 Minnesota Mining (BF)(due 2/23)

AC 88-14 Arthur Daniels (JA)

* 88-21 Rowe Foundry (JD)(due 2/2)

* 88-139 John Sexton Contractors (JA)(due 2/2)

REGULATORY DISCUSSIONS:

88-27 Underground Storage Tanks, Proposal for Public Comments (JA)

AMENDED PETITIONS:

88-147 Village of Sugar Grove (filed 1/6)(JA)

88-180 City of Ottawa (filed 1/18)(MN)

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)

89-3 Chemtco, Inc. v. EPA (BF)

89-4 City of Elmhurst v. Elmhurst-Chicago Stone Company (11:00 a.m.)

89-5 Arco Products Company v. EPA (BF)

89-6 Rockford Products Corporation v. EPA (BF)

89-7 United City of the Village of Yorkville v. EPA

AC APPEALS:

88-116 Jesse Johnson

89-2 Frank Wilner

NEW AC CASES:

89-1 Russell Harris

89-3 City of Springfield

89-4 Western Lion, Ltd.

89-5 Upper Rock Island County Landfill, Inc.

89-6 Community Landfill

89-7 Krohn Development Corporation

89-8 John Bickhan

NEW AC CASES: (Cont'd)

89-9	Steve Loveall
89-10	Jim Landers
89-11	Letton Iron & Metal Corporation
89-12	Carol Woodson
89-13	Jane E. Schwamberger
89-14	Donald Ropp
89-15	Robert Pratt
89-16	Union Pacific Railroad Company
89-17	Luther & Margaret Treadwell
89-18	J & R Landfill, Inc.

MINUTES:

January 5, 1989

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)
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)
87-133		McLean County (Remand)(JTM)
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)
88-16		Hinsdale Golf Club (BF)
88-24)	AC	Bi-State Disposal (MN)
88-33)		
88-51	AC	Pieliet Brothers (RF)
88-58	*	Quantum Chemical (BF)(due 7/21)
88-76	AC	E & E Hauling (JA)
88-77	AC	E & E Hauling (JA)
88-102	*	Morton Thokol (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)
88-132	*	DMI, Inc. (JM)(due 2/23)
88-147	*	Village of Sugar Grove (JA)(due 4/27)
88-151	*	Citizens Utilities (RF)(due 6/22)
88-156	*	Trojan Corporation (MN)(due 4/6)
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)
88-204	*	Village of Eiburn (JM)(due 4/6)