

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
AUGUST 1, 1985 CHICAGO, ILLINOIS

All Board Members were present.

An Order was adopted in #79-167, Continental Grain, by a vote of 7-0.

Interim Orders were adopted in these matters by a vote of 7-0:  
##81-144, Marathon Petroleum; 84-124, Overnite Trucking.

An Opinion and Order was adopted in #84-181, City of Streator, by a vote of 7-0. Mr. Dumelle concurred.

An Order was adopted in #85-74, Prairieview Lutheran Home, by a vote of 7-0.

A Final Rule, Peremptory Rulemaking Order was adopted in R77-12(D), Disinfection, by a vote of 7-0.

The Board, on its own motion, voted to reconsider and to vacate the July 19, 1985 Order adopted in R84-46, CIPS, by a vote of 6-1. Mr. Meyer dissented. An Opinion and Order was adopted by a vote of 7-0. Messrs. Dumelle and Forcade concurred. Mrs. Anderson will prepare the Opinion and Order.

An Order dismissing the proceedings in #78-139, Vickery Manor, was adopted by a vote of 7-0. Mr. Forcade will prepare it.

Motion for extension of time to file response was granted in #78-233, Florence Farmer, by a vote of 7-0. Mr. Forcade will prepare an Order.

Motion to dismiss was granted in ##83-49 and 83-55, Alton Packaging, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion to reinstate motions to dismiss was granted in ##84-96 and 84-104, Continental Grain, by a vote of 4-3; Board Members Dumelle, Forcade and Marlin dissented. The motion to dismiss was denied. Mrs. Anderson will prepare an Order.

Due to an objection received, the Board on its own motion, authorized a hearing in #84-179, Romeoville, by a vote of 7-0.

Motion to dismiss was granted in #85-1, Peabody Coal, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion for leave to file motion for reconsideration instanter was granted in #85-2, City of West Chicago, by a vote of 7-0. Mr.

Forcade will prepare an Order.

Joint motion for leave to file instanter was granted in #85-14, Electric Energy, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Motion to file amended Recommendation Instanter was granted in #85-36, City of Hoopeston, by a vote of 7-0. Dr. Flemal will prepare an Order.

Motion for leave to file Agency Recommendation Instanter was granted in #85-39, Electric Energy, by a vote of 7-0. Dr. Flemal will prepare an Order.

Motion for leave to file Recommendation Instanter was granted in #85-50, City of Lockport, by a vote of 7-0. Mr. Forcade will prepare an Order.

An Interim Order was adopted in #85-60, M.I.G. Investments, by a vote of 6-0 (Dr. Flemal was not present in the room for the vote) Mrs. Anderson will prepare it.

Motion for leave to file Answer Instanter was granted in #85-84, Illinois Power, by a vote of 7-0. Mr. Forcade will prepare an Order.

Motion for leave to file written objections was granted in #85-85, Hawthorn, by a vote of 7-0. Mr. Forcade will prepare an Order.

Due to an objection received, the Board on its own motion, authorized a hearing in #85-86, Olin Corporation, by a vote of 7-0.

An Order was adopted in #85-96, Village of Gilberts, by a vote of 7-0. Mrs. Anderson will prepare it.

These matters were discussed and held to August 15, 1985 for further consideration: ##83-28, Top Chop; 84-11, Cornbelt; 84-161, L & S Industries; 85-20, Village of Wataga; 85-36, City of Hoopeston; 85-39, Electric Energy; 85-47, City of Dixon; 85-60, M.I.G. Investments.

These regulatory matters were discussed: R77-4, Airport Noise; R83-7, Stationary Noise (held to August 15, 1985 for further consideration).

In new cases these actions were taken by a vote of 7-0: ##85-89, Joseph A. Adams v. Powers Water Company, accepted and authorized for hearing; 85-107, Pfizer Pigments, Inc. v. EPA, additional information requested, Order by Mr. Forcade; 85-108, National Marine Service, Inc. v. EPA, hearing mandatory, Order by Mr. Forcade; 85-111, Ekco Products, Inc. v. EPA, hearing mandatory, Order by Mr. Forcade; 85-112, City of Dixon v. EPA, provisional

variance granted, Opinion and Order by Mr. Nega.

In other new cases these actions were taken by a vote of 6-1: #85-109, Illinois Department of Transportation, Chicago International Wooden Boat Festival, the Chairman was authorized to sign and prepare an Order, Mr. Meyer dissented; 85-110, Illinois Department of Transportation, U.S. Army Corps of Engineers, the Chairman was authorized to sign and prepare an Order, Mr. Meyer dissented.

Minutes of these Board Meeting dates were approved by a vote of 7-0: May 30, 1985; June 13, and 27, 1985.

All other matters not disposed of as listed were ordered held until August 15, 1985 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Minutes were approved this 5<sup>th</sup> day of September, 1985 by a vote of 7-0.

*Dorothy M. Gunn*

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
AUGUST 1, 1985 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-031

**DECISIONS:**

79-167 Continental Grain, Order (JD) \_\_\_\_\_  
81-144 Marathon Petroleum, Interim Order (JD) \_\_\_\_\_  
84-124 Citizens of Burbank, Interim Order (BF) \_\_\_\_\_  
84-181 City of Streator(RF) \_\_\_\_\_  
85-74 Prairieview Lutheran Home, Order (JA) \_\_\_\_\_  
R77-12 Disinfection (JD) \_\_\_\_\_  
(D)  
R84-46 CIPS (BF) \_\_\_\_\_

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**MOTIONS:**

78-139 Vickery Manor - Board Order (BF) \_\_\_\_\_  
78-233 Florence Farmer - motion to dismiss (7/12), motion to  
appear (7/18), motion for extension of time to file  
response (7/23), motion to dismiss (7/30) \_\_\_\_\_  
83-49 Alton Packaging - motion to dismiss (7/22), response  
83-55 (7/29) \_\_\_\_\_  
84-96 Continental Grain - request to reinstitute motions to  
84-104 dismiss (7/24)(JA) \_\_\_\_\_  
84-174 Classic Finishing - motion for leave to file Instanter  
Response to Agency Recommendation (7/22) \_\_\_\_\_  
84-179 Romeoville - Objection (7/17) \_\_\_\_\_  
85-1 Peabody Coal - motion to dismiss (7/25) \_\_\_\_\_  
85-2 City of West Chicago - motion for leave to file motion  
for reconsideration Instanter (7/29) \_\_\_\_\_

**\*INDICATES VARIANCE OR PERMIT APPEAL**

**MOTIONS: (Cont'd)**

- 85-14 Electric Energy - joint motion for leave to file  
Instanter (7/24)(JA)\_\_\_\_\_
- 85-36 City of Hoopston - motion to file amended  
Recommendation Instanter (7/19)\_\_\_\_\_
- 85-39 Electric Energy - motion for leave to file Agency  
Recommendation Instanter (7/12)\_\_\_\_\_
- 85-50 City of Lockport - Objection (7/17), motion for leave to  
file Recommendation Instanter (7/26)\_\_\_\_\_
- 85-60 M.I.G. Investments - motion for emergency Board meeting  
(7/19), motion to file Agency Record Instanter (7/22),  
motion to file Nunc Pro Tunc (7/22), motion for leave to  
file reply brief Instanter (7/30)(JA)\_\_\_\_\_
- 85-84 Illinois Power - motion for leave to file Answer  
Instanter (7/24)\_\_\_\_\_
- 85-85 Hawthorn - motion for leave to file written objections  
(7/17)\_\_\_\_\_
- 85-86 Olin Corporation - Objection (7/12)\_\_\_\_\_
- 85-96 Village of Gilberts - motion to dismiss for lack of  
subject matter jurisdiction (7/16), Agency motion to  
dismiss (7/17), Response (7/24)(JA)\_\_\_\_\_
- 85-97 Concerned Citizens - motion to dismiss (7/29)\_\_\_\_\_
- 85-102 Continental Grain - motion to assign enforcement case to  
hearing officer assigned related enforcement and  
variance proceedings (7/30)\_\_\_\_\_

**DISCUSSIONS:**

- 83-28 Top Chop (BF)\_\_\_\_\_
- 84-11 Cornbelt (JM)\_\_\_\_\_
- 84-161 Village of Addison (JD)\_\_\_\_\_
- \* 85-20 Village of Wataga (JTM)(due 8/15)\_\_\_\_\_
- \* 85-36 City of Hoopston (RF)(due 8/15)\_\_\_\_\_
- \* 85-39 Electric Energy (RF)(due 8/15)\_\_\_\_\_
- \* 85-47 City of Dixon (RF)(due 9/5)\_\_\_\_\_

**DISCUSSIONS: (Cont'd)**

\* 85-60 M.I.G. Investments (JA)(due 8/15)\_\_\_\_\_

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**REGULATORY DISCUSSIONS:**

R77-4 Airport Noise (JM)\_\_\_\_\_

R83-7 Stationary Noise (JA)\_\_\_\_\_

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**NEW CASES:**

85-89 Joseph A. Adams v. Powers Water Company (11:00 a.m.)  
\_\_\_\_\_

85-107 Pfizer Pigments, Inc. v. EPA\_\_\_\_\_

85-108 National Marine Service, Inc. v. EPA\_\_\_\_\_

85-109 IDOT, Chicago International Wooden Boat Festival\_\_\_\_\_

85-110 IDOT, U.S. Army Corps of Engineers\_\_\_\_\_

85-111 Ekco Products, Inc. v. EPA\_\_\_\_\_

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**MINUTES:**

May 30, 1985

June 13, & 27, 1985

PENDING CASES ASSIGNED:

82-101      Browning-Ferris (JA)  
83-178      DeKalb-Pfizer (JTM)  
83-215      Commonwealth Edison (JTM)  
thru  
83-223  
\* 83-237      Village of Wauconda (RF)(due 10/10)  
\* 84-62      Amerock Corporation (JM)(open waiver)  
84-76      Rockford Speedway (WN)  
84-84      Mt. Vernon (BF)  
\* 84-134      Woodstock Die (JTM)(due 9/5)  
\* 84-179      Village of Romeoville (RF)(due 9/26)  
\* 85-14      Electric Energy (JA)(due 9/26)  
85-33      Village of Hartford and EPA Joint Petition for  
CSO Exception (JD)  
\* 85-35      Warner Brake (BF)(open waiver)  
\* 85-56      McHenry County (JD)(due 9/26)  
85-58      City of West Frankfort (WN)  
\* 85-86      Olin Corporation (RF)(due 9/26)  
\* 85-93      City of Geneva (RF)(due 9/26)  
\* 85-95      Citizens Utilities (JA)(due 9/26)  
\* 85-100      Village of Minooka (RF)(due 9/26)  
\* 85-106      Village of Oswego (RF)(due 10/10)