

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
OCTOBER 24, 1985 CHICAGO, ILLINOIS

All Board Members were present.

In ##83-215 through 83-223, Commonwealth Edison, Board Member J. Marlin proposed amendments to the Opinions and Orders prepared by Board Member J. Theodore Meyer. The amendments were accepted by a vote of 5-2. Messrs. B. Forcade and J. Theodore Meyer dissented. Mrs. Anderson will prepare the final Opinions and Orders which were adopted by a vote of 7-0. Messrs. B. Forcade and J. Theodore Meyer concurred.

An Interim Order was adopted in #83-237, Village of Wauconda, by a vote of 7-0.

A Resolution and Order in response to a JCAR Objection and an Adopted Rule, Final Opinion and Order, were adopted in R82-2, Radiological Air Emissions, by a vote of 6-1. Board Member J. Theodore Meyer dissented.

An Order closing the docket in R84-33, Hazardous Emissions, was adopted by a vote of 7-0.

A Proposed Rule, First Notice Opinion and Order were adopted in R84-45, Gifford-Hill, by a vote of 6-1. Board Member J. Theodore Meyer dissented.

An Interim Order was adopted in #78-233, Florence Farmer, by a vote of 7-0. Mr. Forcade will prepare it.

An Interim Order was adopted in #79-145, Celotex, by a vote of 7-0. Mr. Forcade will prepare it.

Motion to withdraw was granted in #84-183, A.E. Staley, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Motion for leave to file Instanter and Recommendation was granted in #85-83, Marathon Petroleum, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion to consolidate was denied in #85-94, National Marine, by a vote of 7-0. Mr. Nega will prepare an Order.

An Order was adopted in #85-124, Concerned Neighbors, by a vote of 7-0; Messrs. J. Dumelle and B. Forcade concurred. Mrs. Anderson will prepare it.

Motion for leave to file Instanter and Recommendation was granted in #85-128, City of Flora, by a vote of 7-0. Dr. Flemal will

prepare an Order.

Motion to consolidate was granted in #85-130, DuPage Publications, by a vote of 7-0. Dr. Flemal will prepare an Order.

These matters were discussed and held to November 7, 1985 for possible consideration: ##80-151, Archer Daniels; 85-80, Maurine Bachert; 85-95, Citizens Utilities; 85-108, National Marine; 85-114, Village of Hampshire.

These regulatory matters were discussed and held to November 7, 1985 for possible consideration: R83-7, GM Stationary Noise Amendments; R84-19, Algicides.

In new case #85-151, Illinois Department of Transportation, Arden Shore Association, the Chairman was authorized to sign and prepare an Order by a vote of 6-1. Board Member J. Theodore Meyer dissented and Messrs. J. Marlin and W. Nega concurred.

In other new cases these actions were taken by a vote of 7-0: ##85-154, Modine Manufacturing Company v. EPA, hearing authorized, Order by B. Forcade; 85-155, Interstate Pollution Control, Inc. v. EPA, hearing authorized, Order by B. Forcade; 85-156, Central Illinois Public Service Company v. EPA, hearing authorized, Order by B. Forcade; 85-157, Illinois Department of Transportation, Charles Walgreen, the Chairman was authorized to sign and prepare an Order; 85-158, Illinois Department of Transportation, Alex Stamatakis, additional information requested, Order by J. Marlin; 85-159, Illinois Department of Transportation, Wilmette Park District, additional information requested, Order by J. Dumelle; 85-160, Illinois Department of Transportation, Anthony Jeffrey, the Chairman was authorized to sign and prepare an Order; 85-161, Illinois Department of Transportation, Dr. LeRoy Pesch, the Chairman was authorized to sign and prepare an Order; 85-162, Commonwealth Edison Company v. EPA, provisional variance granted, Opinion and Order by W. Nega; 85-163, Peterson Puritan, Inc. v. EPA, provisional variance granted, Opinion and Order by W. Nega.

Minutes for these Board Meeting dates were approved as corrected by a vote a vote of 7-0: August 15 and 21, 1985; September 5 and 20, 1985.

The Board then agreed to start the November 7, 1985 meeting at 1:30 p.m.

All matters not disposed of as listed were ordered held until November 7, 1985 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board do hereby certify that the above Minutes were approved this 21st day of November, 1985 by a vote of 7-0.

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

AMENDED AGENDA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 24, 1985 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

- 83-215 Commonwealth Edison (JTM) _____
thru
83-223
- 83-237 Village of Wauconda, Interim Order (RF) _____
- R82-2 Radiological Air Emissions, Resolution, Final Order (JD)

- R84-33 Hazardous Emissions - Dismissal Order (BF) _____
- R84-45 Gifford-Hill Site Specific, Proposed Rule, First Notice
(JA) _____

MOTIONS:

- 78-233 Florence Farmer - motion to vacate Order (10/9),
response (10/16)(BF) _____
- 79-145 Celotex - motion to overrule the hearing officer's
ruling regarding plaintiff's Exhibit Y (10/7), response
(10/15), emergency motion to overrule the hearing
officer's procedure for order of enforcement of the
hearing (10/8), response (10/15), motion to withdraw
motion to overrule hearing officer's ruling regarding
Plaintiff's Exhibit Y (10/21), supplemental motion to
overrule the hearing officer's procedure for order of
enforcement of the hearing (10/22), joint motion for
leave to file an interlocutory appeal from the hearing
officer's order and motion to overrule a portion of
the hearing officer's order dated October 7, 1985
(10/22)(BF) _____

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS (Cont'd)

- 84-183 A.E. Staley - joint motion to approve settlement agreement and dismiss petition for review (9/4), Memorandum in support (9/13), motion to withdraw (10/18) (JA)_____
- 85-83 Marathon Petroleum - motion for leave to file Instanter and Recommendation (10/21)_____
- 85-94 National Marine Service - motion to consolidate decisions (10/9)(WN)_____
- 85-95 Citizens Utilities - motion to intervene (10/22)(JTM)_____
- 85-119 Illinois Power - motion for summary judgment (10/18), motion to supplement the record (10/18)_____
- 85-124 Concerned Neighbors - Order (JA)_____
- 85-128 City of Flora - motion for leave to file Instanter and Recommendation (10/15)(RF)_____
- 85-130 DuPage Publication - motion to consolidate (8/30)(RF)_____
- 85-141 Browning Ferris - motion in limine (10/15)_____
- 85-146 Beker Industries - Agency motion to dismiss (10/18)_____
- R82-1 Particulate Emissions - request for reconsideration (10/16), motion to file Comments Instanter (10/16) (JD)_____
- R85-7 Central Illinois Light - Application for Non-disclosure (10/11)_____

DISCUSSIONS:

- 80-151 Archer Daniels (JTM)_____
- 85-80 Maurine Bachert (JM)_____
- * 85-95 Citizens Utilities (JTM)(due 11/7)_____
- * 85-108 National Marine (WN)(due 11/7)_____
- * 85-114 Village of Hampshire (RF)(due 11/7)_____

REGULATORY DISCUSSIONS:

R83-7 GM Stationary Noise Amendments, Proposed Rule, First Notice (JA) _____

R84-19 Algicides, Proposed Rule, First Notice (JM) _____

AMENDED PETITION:

85-125 Hanley Industries, Inc. (filed 10/11)(See Dismissal Order of 10/10)(JA) _____

NEW CASES:

85-154 Modine Manufacturing Company v. EPA _____

85-155 Interstate Pollution Control, Inc. v. EPA _____

85-156 Central Illinois Public Service Company v. EPA _____

85-157 Illinois Department of Transportation, Charles Walgreen (JD) _____

85-158 Illinois Department of Transportation, Alex Stamatakis (JD) _____

85-159 Illinois Department of Transportation, Wilmette Park District(JD) _____

85-160 Illinois Department of Transportation, Anthony Jeffrey (JD) _____

85-161 Illinois Department of Transportation, Dr. LeRoy Pesch (JD) _____

85-162 Commonwealth Edison Company v. EPA (WN) _____

85-163 Peterson Puritan, Inc. v. EPA (WN) _____

MINUTES:

August 15 & 21, 1985

September 5 & 20, 1985

PENDING CASES ASSIGNED:

78-139 Vickery Manor (BF)
* 82-82 Borden Chemical (JM)(open waiver)
82-101 Browning-Ferris (JA)
* 83-47] Fedders-USA (BF)(due 12/5)
* 83-237 Village of Wauconda (RF)(due)
85-5]
83-122 Jennison-Wright (BF)
84-84 Mt. Vernon Water (BF)
84-85 Village of Orangeville (JTM)
84-93 S.C. Industries (BF)
84-125 Clairmont Trucking (BF)
* 84-134 Woodstock Die (JTM)(due 3/27)
84-149] McHenry Consolidated School District (RF)
84-152]
84-153]
* 84-179 Village of Romeoville (RF)(due)
* 84-183 A.E. Staley (JA)(due 12/19)
85-9 Landfill Emergency Action (JA)
* 85-14 Electric Energy (JA)(due 3/27)
85-19 Monsanto (BF)
85-33 Village of Hartford CSO (JD)
* 85-35 Warner Brake (BF)(open waiver)
* 85-57 Kable Printing (WN)(due 1/23)
* 85-94 National Marine (WN)(due 12/19)
* 85-97 Concerned Citizens Group (RF)(due)
* 85-104 Village of Aviston (JM)(due 12/19)
* 85-106 Village of Oswego (RF)(due 6/19)
* 85-128 City of Flora (RF)(due 11/21)