

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 7, 1985 CHICAGO, ILLINOIS

All Board Members were present.

After calling the meeting to order, Chairman Dumelle congratulated staff members Lorilyn Chamberlin, Mark Hester and Mark Steger upon their being sworn in as new attorneys.

An Order was adopted in #80-151, Archer Daniels, by a vote of 5-2. Messrs. J. Dumelle and R. Flemal dissented.

An Opinion and Order were adopted in #84-179, Village of Romeoville, by a vote of 7-0.

An Opinion and Order were adopted in #85-80, Maurine Bachert, by a vote of 7-0. Mr. Dumelle concurred.

An Opinion and Order were adopted in #85-108, National Marine, by a vote of 7-0. Board Members J. Anderson and J. Marlin concurred.

An Opinion and Order were adopted in #85-114, Village of Hampshire, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented and Messrs. J. Theodore Meyer and J. Marlin concurred.

A Proposed Rule, First Notice Opinion and Order were adopted in R83-7, Stationary Noise Amendments, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade, and J. Theodore Meyer dissented and Dr. J. Marlin concurred.

A Proposed Rule, First Notice Opinion and Order were adopted in #R84-4, -19, Algicides, by a vote of 7-0.

A Resolution in response to a JCAR request was adopted in R84-22(C), Financial Assurance, by a vote of 7-0. Mr. Dumelle concurred.

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

An Order was adopted in #83-18, Modine Manufacturing, by a vote of 7-0. Mr. Forcade will prepare it.

Motion for stay was denied in ##83-49, -55, Alton Packaging, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion for leave to file Instanter and Recommendation was granted in #85-104, Village of Aviston, by a vote of 7-0. Dr. Marlin will prepare an Order.

Motion for summary judgment was denied and motion to supplement the record was granted in #85-119, Illinois Power, by a vote of 6-1; Mr. Meyer dissented. Mr. Dumelle will prepare an Order.

An Order was adopted in #85-146, Beker Industries, by a vote of 7-0. Mr. Meyer will prepare it.

Motion for stay was granted and motion to sever denied in #85-155, Interstate Pollution, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Motion to amend was granted in R79-14, Air Pollution Regulations, by a vote of 7-0. Mr. Forcade will prepare an Order.

Application for Non-disclosure was granted in R85-7, Central Illinois Light, by a vote of 7-0. Dr. Flemal will prepare an Order.

These matters were discussed and held to November 21, 1985 for possible consideration: ##82-82, Borden Chemical; 83-122, Jennison-Wright; 84-84, Mt. Vernon Water; 84-85, Village of Orangeville; 85-94, National Marine; 85-97, Concerned Citizens Group.

These regulatory matters were discussed and held to November 21, 1985 for possible consideration: R84-22(C), Financial Assurance; R85-23, UIC Update.

In amended petitions these actions were taken by a vote 7-0: #85-107, Pfizer Pigments, hearing authorized, Order by Mr. Forcade; 85-125, Hanley Industries, proceedings dismissed and Clerk of the Board instructed to send a copy of the Board's Procedural Rules, Order by Mrs. Anderson; 85-126, Oasis Outdoor Ltd., held for an Agency Recommendation; 85-139, City of Metropolis, hearing authorized.

In new cases these actions were taken by a vote of 7-0: #85-159, Illinois Department of Transportation, Wilmette Park District, approved with conditions and Chairman authorized to sign and prepare an Order; 85-164, Western Illinois Power Cooperative, Inc. v. EPA, motion to consolidate with #85-165, Western Illinois Power Cooperative, Inc. v. EPA denied and hearing authorized, Order by Mr. Forcade; 85-165, Western Illinois Power Cooperative, Inc. v. EPA, motion to dismiss denied and additional information requested, Order by Mr. Forcade; 85-166, Citizens Utilities Company of Illinois v. EPA, hearing authorized, Order by Mr. Forcade; 85-167, Commonwealth Edison v. EPA, hearing authorized, Order by Mr. Forcade; 85-168, Commonwealth Edison v. EPA, hearing authorized, Order by Mr. Forcade; 85-169, Amoco Chemicals Company v. EPA, hearing authorized, Order by Mr. Forcade; 85-170, Illinois Power Company v. EPA, hearing authorized, Order by Mr. Forcade; 85-171, Electric Energy, Inc., v. EPA, held for an Agency Recommendation; 85-172, World Color Press, Inc. v. EPA, hearing authorized and

docket ##85-173 through 85-178 reserved for remaining Salem presses and 85-179 through 85-188, reserved for the 10 Mt. Vernon facilities, Order by Mr. Forcade; 85-189, Mobil Chemical Company v. EPA, provisional variance granted, Opinion and Order by Mr. Nega; R85-26, Western Illinois Power Cooperative, Proposal to amend Ill. Adm. Code, Title 35, Part 304, Subpart B, accepted for hearing and motion to waive 200 signature requirement granted, Order by Mr. Forcade.

The Board then decided to reschedule the regular meeting set for December 19 to December 20, 1985.

All other matters not disposed of as listed were ordered held to November 21, 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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 7, 1985 CHICAGO, ILLINOIS
CONFERENCE ROOM 8-031
1:30 P.M.

DECISIONS:

- 80-151 Archer Daniels (JTM) _____
- 84-179 Village of Romeoville (RF) _____
- 85-80 Maurine Bachert (JM) _____
- * 85-108 National Marine (WN)(due) _____
- * 85-114 Village of Hampshire (RF)(due) _____
- R83-7 GM Stationary Noise Amendments, Proposed Rule, First
Notice (JA) _____
- R84-4] Algicides, Proposed Rule, First Notice (JM) _____
R84-19]
- R84-22 Financial Assurance, Resolution Regarding JCAR (JA)
(C) _____

MOTIONS:

- 79-145 Celotex - joint motion for leave to file 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), response (10/29), motion for
sanctions for failure of complainant to comply with
orders of the hearing officer (10/25), motion for
partial revision of Order (10/31), motion to dismiss
Philip Carey Company as a Party Respondent (10/31)(BF)
- 81-138] Hereley Grain - Agency motion to dismiss (10/28)
82-34]
- 83-18 Modine Manufacturing - Board Order (BF) _____
- 83-49] Alton Packaging - motion for stay (10/29), Agency
83-55] response (11/6)(JD) _____

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 84-62 Amerock - motion for clarification (10/28)(JM)

- 85-104 Village of Aviston - motion for leave to file Instanter
and Recommendation (11/5)(JM)

- 85-119 Illinois Power - motion for summary judgment (10/18),
motion to supplement the record (10/18), agency
response (10/29)

- 85-146 Beker Industries - Agency motion to dismiss (10/18)

- 85-155 Interstate Pollution - motion for stay (10/18), motion
to sever (11/1), objection (11/4)

- 85-162 Commonwealth Edison - petition to modify (10/29)

- R79-14 Air Pollution Regulations - Agency motion to amend
(10/29)(BF)

- R85-7 Central Illinois Light - Application for Non-disclosure
(10/11)(RF)

DISCUSSIONS:

- * 82-82 Borden Chemical (JM)(open waiver)

- 83-122 Jennison-Wright (BF)

- 84-84 Mt. Vernon Water (BF)

- 84-85 Village of Orangeville (JTM)

- * 85-94 National Marine (WN)(due 12/19)

- * 85-97 Concerned Citizens Group (RF)(due 11/21)

REGULATORY DISCUSSIONS:

- R84-22 Financial Assurance, Final Opinion and Order (JA)
(C)

- R85-23 UIC Update, Proposed Rule, First Notice, (JA)

AMENDED PETITIONS:

- 85-107 Pfizer Pigments (filed 10/30) _____
85-125 Hanley Industries, Inc. (filed 10/11) _____
85-126 Oasis Outdoor Ltd. (filed 10/24) _____
85-139 City of Metropolis (filed 11/5) _____

NEW CASES:

- 85-158 Illinois Department of Transportation, Alex Stamatakis

- 85-159 Illinois Department of Transportation, Wilmette Park
District _____
- 85-164 Western Illinois Power Cooperative, Inc. v. EPA (see
motion to consolidate (10/24) and objection (10/31))

- 85-165 Western Illinois Power Cooperative, Inc. v. EPA (see
motion to consolidate (10/24) objection (10/31) and
motion to dismiss (11/1)) _____
- 85-166 Citizens Utilities Company of Illinois v. EPA _____
- 85-167 Commonwealth Edison Company v. EPA _____
- 85-168 Commonwealth Edison Company v. EPA _____
- 85-169 Amoco Chemicals Company v. EPA _____
- 85-170 Illinois Power Company v. EPA _____
- 85-171 Electric Energy, Inc. v. EPA _____
- 85-172 World Color Press, Inc. v. EPA _____
- R85- Western Illinois Power Cooperative, Proposed Amendment
of Illinois Administrative Code, Title 35, Part 304,
Subpart B _____

MEETING DATE CHANGE:

December 19 to December 20 _____

PENDING CASES ASSIGNED:

78-139 Vickery Manor (BF)
82-101 Browning-Ferris (JA)
* 83-47] Fedders-USA (BF)(due 12/5)
85-5]
83-61 Missouri Portland (JTM)
* 83-237 Village of Wauconda (RF)(due 12/20)
84-93 S.C. Industries (BF)
84-120] Atlas Service Company (WN)
84-121]
84-125 Clairmont Trucking (BF)
* 84-134 Woodstock Die (JTM)(due 3/27)
84-149] McHenry Consolidated School District (RF)
84-152]
84-153]
85-9 Landfill Emergency Action (JA)
* 85-14 Electric Energy (JA)(due 3/27)
85-19 Monsanto (BF)
85-23 A&R Transport (WN)
85-33 Village of Hartford CSO (JD)
* 85-35 Warner Brake (BF)(open waiver)
* 85-44] DuPage Publications (JD)(due 1/9)
85-45]
85-70]
85-130]
* 85-57 Kable Printing (WN)(due 1/23)
* 85-95 Citizens Utilities (JTM)(due 2/11)
* 85-104 Village of Aviston (JM)(due 12/19)
* 85-106 Village of Oswego (RF)(due 6/19)
85-127 Rip's Fertilizer Service (WN)
* 85-128 City of Flora (RF)(due 12/19)