

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
APRIL 10, 1986 CHICAGO, ILLINOIS

MORNING SESSION

All Board Members were present.

A Proposed Rule, First Notice, Proposed Opinion and Order were adopted in R77-4, Airport Noise, by a vote of 5-1. B. Forcade dissented, J. Theodore Meyer abstained and W. Nega concurred. Thereafter, the meeting was recessed for fifteen minutes. (JM)

An Opinion and Order were adopted in #83-226, Archer Daniels Midland, by a vote of 7-0. (WN)

An Opinion and Order were adopted in #85-95, Citizens Utilities, by a vote of 6-0. Dr. Flemal abstained. (JTM)

An Order was adopted in #85-217, City of Dixon, by a vote of 7-0. (JA)

An Interim Order was adopted in R82-14, RACT III VOC, by a vote of 7-0. (BF)

An Interim Order was adopted in R82-27, 82-36, 83-37, Procedural Rules Revision, by a vote of 7-0. (BF)

A Final Opinion and Order were adopted in R84-4, Proposal of Applied Biochemists to amend the Algicide Regulations, by a vote of 7-0. (JM)

An Adopted Rule, Final Notice, Opinion and Order were adopted in R84-19, Proposal of Carus Chemical Company to amend the Algicide Regulations, by a vote of 7-0. (JM)

An amendment to Order by J. Anderson passed by a vote of 4-3 with J. Anderson, J. Marlin, J. Theodore Meyer and W. Nega for it and J. Dumelle, B. Forcade and R. Flemal against. A Proposed Rule, Second Notice, Opinion and Order were then adopted in R85-15, Decatur Site-Specific, by a vote of 7-0. J. Dumelle, B. Forcade and R. Flemal concurred. (JA)

Motion for extension of time was granted in #84-124, Overnite Trucking, by a vote of 6-0 (Dr. Marlin had to leave due to illness). (BF)

Motion to file Instantaner an Affidavit and Certification was granted in #85-23, A & R Transport, by a vote of 6-0. (WN)

Motion to voluntarily dismiss was granted in #85-141, Browning-Ferris, by a vote of 6-0. (JM)

Agency motion for Interrogatories was granted and Petitioner's motion to strike Agency motion for Interrogatories and motion to strike DENR's statement of support for Agency motion for Interrogatories was denied in R81-19, Citizens Utilities, by a vote of 5-0. Dr. Flemal abstained. (JTM)

These matters were discussed and held to April 24, 1986 for possible consideration: ##85-9, Landfill Emergency Action; 85-44, 070, -130, DuPage Publications; 85-145, Alton Packaging; 85-201, Village of Morton; 85-225, City of Cairo CSO.

These regulatory matters were discussed and held to April 24, 1986 for possible consideration: R81-18, Chief Operator Certification; R84-30, City of East Peoria; R85-11, Illinois-American; R86-1, RCRA Update.

By a vote of 6-0 amended petition #86-10, Bravo-Ernst, was held for an Agency Recommendation.

Motion to dismiss was denied and a hearing was authorized in new case #86-44, Kenneth and Libby McNeil v. Continental Grain Company, by a vote of 5-1; Mr. Meyer dissented. (BF)

In other new cases these actions were taken by a vote of 6-0: ##86-45, Mobil Oil Corporation v. EPA, held for an Agency Recommendation; 86-46, Illinois Department of Transportation, Dr. Faud Sarkis, **Chairman authorized to sign permit document and prepare an Order**; 86-47, Fedders-USA v. EPA, additional information requested, **Order by Mrs. Anderson**; 86-48, Wells Manufacturing Company v. EPA, hearing authorized, **Order by Mr. Forcade**; 86-49, M.I.G. Investments v. EPA, hearing authorized, **Order by Mr. Forcade**; R86-14, Borden Chemical Company Site-Specific, accepted and authorized for hearing and 200 signature requirement waived.

Minutes of these Board meeting dates were approved by a vote of 6-0: March 27, 1986 and April 3, 1986.

By a vote of 6-0 the Board decided to reschedule the Board meeting set for May 8 to May 9, 1986.

#### AFTERNOON SESSION

All Board Members were present save Dr. Marlin who was absent due to illness.

This regulatory matter was discussed and held to April 24, 1986 for possible consideration: R85-2, Amoco Delisting.

Motion for continuance was granted in #85-154, Modine Manufacturing, by a vote of 4-2. B. Forcade and R. Flemal

dissented. (JD)

All other matters not disposed of as listed were ordered held to April 24, 1986 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 24<sup>th</sup> day of April, 1986 by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 10, 1986 CHICAGO, ILLINOIS  
SOIC AUDITORIUM  
(Concourse Level)

DECISIONS:

- 83-226 Archer Daniels Midland (WN)\_\_\_\_\_
- \* 85-95 Citizens Utilities (JTM)(due)\_\_\_\_\_
- 85-215 City of Mattoon CSO (JM)\_\_\_\_\_
- \* 85-217 City of Dixon, Board Order (JA)\_\_\_\_\_
- R77-4 Airport Noise (JM)\_\_\_\_\_
- R82-14 RACT III VOC, Interim Order (BF)\_\_\_\_\_
- R82-27) Procedural Rules Revision, Interim Order (BF)  
R82-36) \_\_\_\_\_  
R83-37) \_\_\_\_\_
- R84-4) Applied Biochemists/Carus Chemical, Final Rule, Final  
R84-19) Opinion and Order (JM)\_\_\_\_\_
- R85-2 Amoco Delisting, Final Rule, Final Opinion and Order  
(BF)\_\_\_\_\_
- R85-15 Decatur Site-Specific, Proposed Rule, Second Notice,  
Opinion and Order (RF)\_\_\_\_\_

MOTIONS:

- 84-81 Reliable-Nesco - motion to substitute parties (4/4)  
\_\_\_\_\_
- 84-124 Overnite Trucking - motion for extension of time (3/27)  
(BF)\_\_\_\_\_

\*INDICATES VARIANCE OR PERMIT APPEAL

**MOTIONS: (Cont'd)**

- 85-23      A&R Transport - motion to file Instanter Affidavit and Certification (4/1)(WN)\_\_\_\_\_
- 85-128     City of Flora - Agency motion to supplement Record and motion for reconsideration (3/14), cross motion for reconsideration and answer to Agency's motion for reconsideration (3/19), Agency response to Petitioner's cross motion for reconsideration (4/4)(JD)\_\_\_\_\_
- 85-141     Browning Ferris - motion to voluntarily dismiss (4/3)(JM)\_\_\_\_\_
- R81-19     Citizens Utilities - Agency motion for Interrogatories (3/21), Petitioner's motion to strike Agency motion for Interrogatories (3/25), Petitioner's motion to strike Agency's motion for extension of time to file a brief (3/25), Agency reply to Petitioner's motion to strike Agency motion for Interrogatories (4/7), Petitioner's reply to Agency reply to Petitioner's motion to strike Agency motion for Interrogatories (4/7), IDENR statement of support for Agency motion for Interrogatories (4/7), Petitioner's motion to strike IDENR's statement of support for Agency motion for Interrogatories (4/7)(JTM)\_\_\_\_\_
- R84-29     Mine Rule Amendments - Agency motion to the Board to request IDENR to revise Economic Impact Analysis (4/4), IDENR response (4/9)(RF)\_\_\_\_\_

**DISCUSSIONS:**

- 85-9        Landfill Emergency Action (JA)\_\_\_\_\_
- \* 85-44)     DuPage Publications (JD)(due 4/24)\_\_\_\_\_
- 85-70)
- 85-130)
- \* 85-145     Alton Packaging (JD)(due 4/24)\_\_\_\_\_
- 85-201     Village of Morton (WN)\_\_\_\_\_
- 85-225     City of Cairo CSO (JM)\_\_\_\_\_

**REGULATORY DISCUSSIONS:**

- R81-18     Chief Operator Certification (JA)\_\_\_\_\_

**REGULATORY DISCUSSIONS: (Cont'd)**

R84-30 City of East Peoria (BF) \_\_\_\_\_  
R85-11 Illinois-American (RF) \_\_\_\_\_  
R86-1 RCRA Update (JA) \_\_\_\_\_

**AMENDED PETITIONS:**

86-10 Bravo-Ernst (filed March 31, 1986) \_\_\_\_\_

**NEW CASES:**

86-44 Kenneth and Libby McNeil v. Continental Grain Company  
(11:00 a.m.)(see motion to dismiss (4/2)) \_\_\_\_\_  
86-45 Mobil Oil Corporation v. EPA \_\_\_\_\_  
86-46 IDOT, Dr. Faud Sarkis \_\_\_\_\_  
86-47 Fedders-USA v. EPA \_\_\_\_\_  
86-48 Wells Manufacturing Company v. EPA \_\_\_\_\_

**MINUTES:**

March 27, 1986 \_\_\_\_\_  
April 3, 1986 (Special Board Meeting) \_\_\_\_\_

**POSSIBLE MEETING DATE CHANGE:**

May 8 to May 9 \_\_\_\_\_

PENDING CASES ASSIGNED:

76-84 Santa Fe (JD)  
78-139 Vickery Manor (BF)  
81-144 Marathon (JD)  
82-101 Browning-Ferris (JA)  
\* 83-18 Modine Manufacturing (RF)(due 5/22)  
83-166 Mobil Chemical Company (BF)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
84-125 Clairmont Trucking (BF)  
84-161 L&S Industries (JD)  
\* 84-174 Classic Finishing (JM)(open waiver)  
\* 85-14 Electric Energy (JA)(due 6/5)  
\* 85-17 S&C Electric (JD)(due 5/8)  
85-19 Monsanto (BF)  
85-46 William J. Hauck (JD)  
\* 85-106 Village of Oswego (RF)(due 6/19)  
\* 85-126 Oasis Outdoor (JD)(open waiver)  
85-129 Richard Termaat (JA)  
85-139 City of Metropolis CSO (JD)  
\* 85-171 Electric Energy (JA)(due 7/21)  
\* 85-179 Camsco Produce (JTM)(due 6/19)  
\* 85-183 Village of Burlington (RF)(due 5/8)  
\* 85-209 Village of Carol Stream (RF)(due 6/19)  
85-210 City of Peoria CSO (JM)  
85-212 Village of Morton CSO (RF)  
85-214 City of Rock Island CSO (RF)  
\* 85-217 City of Dixon (JA)(due 6/5)  
85-219 City of Watseka CSO (JD)  
85-224 Aurora Sanitary District CSO (BF)  
85-226 City of Pekin CSO (JA)  
\* 86-9 Trilla Steel Drum (JM)(due 8/14)  
\* 86-24 City of Yorkville (JM)(due 5/8)  
\* 86-30 Village of Stillman Valley (JM)(due 5/22)  
\* 86-35 Lake County Public Works (JA)(due 6/5)  
\* 86-36 City of Batavia (JTM)(due 7/9)  
\* 86-42 Village of Bensenville (JTM)(open waiver)