

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
JULY 11, 1986 CHICAGO, ILLINOIS

All Board Members were present save for Mr. Nega who was ill.

An Opinion and Order were adopted in #85-182, City of Mendota, by a vote of 5-1. Mr. Dumelle dissented. (RF)

An Opinion and Order were adopted in #85-221, Hansen-Sterling Drum, by a vote of 6-0. (JTM)

An Opinion and Order were adopted in #86-34, Everett Allen, by a vote of 6-0. (BF)

An Adopted Rule, Final Order, Opinion and Order were adopted in R82-2, Nuclear Air Emissions, by a vote of 6-0. (JD)

A Proposed Rule, First Notice, Opinion and Order were adopted in R84-29, Mine Rule Amendments, by a vote of 6-0. Messrs. J. Dumelle and B. Forcade concurred. (RF)

A Final Order, Adopted Rules, Order was adopted in R85-23, UIC Update, by a vote of 6-0. (JA)

A Final Opinion and Order were adopted in R86-1, RCRA Update (through January 31, 1986), by a vote of 6-0. (JA)

A Proposal for Public Comment, Proposed Opinion and Order, were adopted in R86-19, RCRA Update (through March 31, 1986), by a vote of 6-0. (JA)

By a vote of 5-1, an Agency motion to amend the Complaint in #83-163, Larry Bittle, will be taken with the case. Mr. Meyer dissented.

Motion for clarification in #83-166, Mobil Chemical, was granted by a vote of 6-0. (BF)

An Order was adopted in ##84-111, and 86-96, LTV Steel Company, by a vote of 6-0. (JA)

Motion for clarification in ##84-149, -153, Eastwood Manor, was granted by a vote of 6-0. (RF)

Motion to continue permit appeal proceeding in #85-14, Electric Energy, was granted by a vote of 6-0. (JA)

An Order was adopted in #85-119, Illinois Power, by a vote of 6-0. (JD)

Joint motion to reconsider and dismiss was granted and the

Board's May 9, 1986 Order was vacated in #85-171, Electric Energy, by a vote of 6-0. (JM)

Agency motion to amend Complaint in #86-32, City of Sycamore, was granted by a vote of 6-0. (JD)

Motion to amend by J. Anderson lost by a vote of 3-3. Upon a motion for reconsideration by J. Theodore Meyer, an Order was then adopted in #86-47, Fedders-USA, by a vote of 5-1. Dr. Flemal dissented. (JA)

Motion to amend by B. Forcade and seconded by R. Flemal and J. Theodore Meyer lost by a vote of 3-3. Upon a motion for reconsideration by R. Flemal an Order was adopted in #86-48, Wells Manufacturing, by a vote of 4-2. Messrs. B. Forcade and J. Theodore Meyer dissented. (JA)

Motion to file Instanter the Agency Recommendation in #86-59, Village of Round Lake Beach, was granted by a vote of 6-0. (JD)

Agency motion to dismiss was denied and the proceedings in #86-62, Monsanto, were consolidated with #86-57, Village of Sauget, by a vote of 5-1. Mr. Forcade dissented. (JA)

Agency motion to dismiss was denied and the proceedings in #86-63, Monsanto, were consolidated with #86-58, Village of Sauget, by a vote of 5-1. Mr. Forcade dissented. (JA)

An Order was adopted in #86-64, Abbott Laboratories, by a vote of 6-0. (JD)

An Order was adopted in #86-68, Americans for Clean Environment, by a vote of 6-0. (JD)

Motion to file Instanter the Agency Recommendation in #86-75, Lake County Public Works, was granted by a vote of 6-0. (JD)

An Order was adopted in R82-14, RACT III, by a vote of 6-0. (BF)

Agency motion to dismiss in R86-25, Village of Tilton, was denied as moot by a vote of 6-0. (JM)

These cases were discussed and held to July 31, 1986 for possible consideration: ##86-49, M.I.G. Investments; 86-54, Village of Lemont; 86-69, ILG Industries.

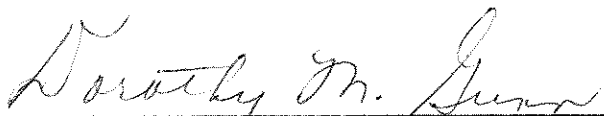
In new cases these actions were taken by a vote of 6-0: ##86-91, Ekco Glaco Corporation v. EPA, additional information requested and hearing authorized, Order by Mrs. Anderson; 86-93, Jennison-Wright Corporation v. EPA, hearing authorized, Order by Mrs. Anderson; 86-94, EPA v. Raymond Larson, hearing mandatory; 86-95, Illinois Department of Transportation, Waukegan Port District, additional information requested, Order by Mr. Meyer; 86-96, LTV

Steel Company v. EPA, proceedings dismissed and request for extension of variance will be treated as a motion for relief from a final order and handled in #84-111, LTV Steel, **Order by Mrs. Anderson**; 86-97, Village of Oak Brook v. EPA, hearing authorized, **Order by Mrs. Anderson**; 86-98, Illinois Department of Transportation, Terry Diamond, **Chairman authorized to prepare an Order and to sign permit document**; 86-99, Abbott Laboratories v. EPA, hearing authorized, **Order by Mrs. Anderson**; 86-100, Illinois Department of Transportation, C. Joseph Bendy et al., **Chairman authorized to prepare an Order and to sign permit document**; 86-101, Village of Lena v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle**; R86-23, New Source Performance Standards, **Resolution and Order by Mr. Meyer**; R86-24, New Source Performance Standards, **Resolution and Order by Mr. Meyer**; R86-26, New Source Performance Standards, **Resolution and Order by Mr. Meyer**; R86-27, UIC Update (June 30, 1985 through June 30, 1986), docket opened to amend UIC rules to correspond with amendments adopted by USEPA through June 30, 1986, **Order by Mrs. Anderson**; R86-28, RCRA Update (April 1, 1986 through June 30, 1986), docket opened to amend RCRA rules to correspond with amendments adopted by USEPA between April 1, 1986 and June 30, 1986, **Order by Mrs. Anderson**; R86-29, Board Proposal to amend 35 Ill. Adm. Code 604.202 of Subtitle F: Public Water Supplies (Aluminum), inquiry hearings authorized, **Order by Mr. Dumelle**; R86-30, Shell Oil Proposed Sulfur Amendments, authorized for hearing and publication.

Minutes of the June 20 and July 2, 1986 Board Meetings were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to July 31, 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 31st day of July, 1986 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 11, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

- * 85-221 Hansen-Sterling Drum (JTM)(due)_____
- * 86-34 Everett Allen (BF)(due)_____
- 86-55 Acme Barrel (WN)_____
- * 86-65 Village of Willowbrook (WN)(due)_____
- R82-1 Opacity Rule, First Notice (JD)_____
- (B)
- R82-2 Nuclear Air Emissions, Error Correction. Final
Enactment (JD)_____
- R84-29 Mine Rule Amendments, Proposed Rule, First Notice
Opinion and Order (RF)_____
- R85-23 UIC Update - Order correcting Final Order (JA)

- R86-1 RCRA Update (through January 31), Final Opinion and
Order (JA)_____
- R86-19 RCRA Update (through March 31), Proposal for Public
Comment, Proposed Opinion and Order (JA)_____

MOTIONS:

- 83-163 Larry Bittle - Agency motion to amend Complaint
(6/23)(RF)_____
- 83-166 Mobil Chemical - motion for clarification (6/24)(BF)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JULY 11, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

- * 85-221 Hansen-Sterling Drum (JTM)(due)_____
- * 86-34 Everett Allen (BF)(due)_____
- * 86-54 Village of Lemont (JTM)(due 7/31)_____
- 86-55 Acme Barrel (WN)_____
- * 86-65 Village of Willowbrook (WN)(due)_____
- R82-1 Opacity Rule, First Notice (JD)_____
- (B)
- R82-2 Nuclear Air Emissions, Error Correction. Final
Enactment (JD)_____
- R84-29 Mine Rule Amendments, Proposed Rule, First Notice
Opinion and Order (RF)_____
- R85-23 UIC Update - Order correcting Final Order (JA)

- R86-1 RCRA Update (through January 31), Final Opinion and
Order (JA)_____
- R86-19 RCRA Update (through March 31), Proposal for Public
Comment, Proposed Opinion and Order (JA)_____

MOTIONS:

- 83-163 Larry Bittle - Agency motion to amend Complaint
(6/23)(RF)_____
- 83-166 Mobil Chemical - motion for clarification (6/24)(BF)

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 84-57 City of Keithsburg - request for modification of January 24, 1985 Board Order (6/19), Agency reponse to motion to modify Board Order (7/9)
-
- 84-149) Eastwood Manor - motion for clarification (6/10)(RF)
84-152)
84-153)
-
- 85-14 Electric Energy - motion to continue Permit Appeal proceeding (7/8)(JA)
-
- 85-44) DuPage Publications - Agency motion for reconsideration
85-70) (6/16)(BF)
85-130)
-
- 85-119 Illinois Power - Petitioner and Agency motions for reconsideration (4/30), Agency response to Petitioner's motion for reconsideration (5/5), Board Order of May 9, 1986, Petitioner's response to Agency's motion for reconsideration (5/12), Agency's Brief regarding reconsideration (5/16), Petitioner's response to Agency Brief regarding reconsideration (5/19)(JD)
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- 85-171 Electric Energy - joint motion to reconsider and dismiss (6/20)(JM)
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- 86-32 City of Sycamore - Agency motion to amend Complaint (6/27), Agency motion to bring limited issues before the Board for disposition (7/2)
-
- 86-38 Williams Pipeline - motion to dismiss (7/8)
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- 86-45 Mobil Oil - motion to amend Agency Recommendation (6/26)(JM)
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- 86-47 Fedders-USA - Agency motion to renew previous motions to dismiss and to strike (6/2), Agency Memorandum in support of motion to dismiss (6/11), Petitioner's motion for leave to file response instanter to Agency's motion to renew previous motions to dismiss and to strike (6/12)(RF)
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- 86-48 Wells Manufacturing - motion for review of hearing officer's denial of motion to strike discovery (6/26), motion for rescheduling of hearing date (6/26), motion to certify the Board's Order of June 20, 1986 for appeal (6/26), responses to motion for review of hearing officer's denial of motion to strike discovery, motion for rescheduling of hearing date and motion to certify the Board's Order of June 20, 1986 for appeal (7/1)
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MOTIONS: Cont'd)

- 86-59 Village of Round Lake Beach - Agency motion to file Recommendation Instanter (6/27)
- 86-62 Monsanto - Agency motion to dismiss (5/19), Petitioner's Memorandum of Law (7/1)(JA)
- 86-63 Monsanto - Agency motion to dismiss (5/19), Petitioner's Memorandum of Law (7/1)(JA)
- 86-64 Abbott - Agency Permit Summary (7/3)
- 86-68 Americans for Clean Environment - motion to dismiss by Mervis Industries (6/4), motion to dismiss by H&L Disposal (6/4), motion to dismiss by Vermilion County (6/5), supplemental motion to dismiss and Memorandum in support of supplemental motion to dismiss by Mervis Industries (6/13), supplemental motion to dismiss by H&L Disposal Company (6/13), supplemental motion to dismiss by Vermilion County Board and Vermilion County Health Department (6/13)
- 86-75 Lake County Public Works - Agency motion to file Recommendation Instanter (7/1)(WN)
- R82-1 Particulate Emissions - motion to return to First Notice and to schedule a regulatory hearing (5/27)(JD)
- R82-14 RACT III - Agency request for Interrogatories and request for Production of Documents (Allied Tube)(6/18), Agency request for Interrogatories and request for Production of Documents (3M Company)(6/18), Agency request to extend time period to submit pre-prepared testimony (6/18), response to Agency request for Interrogatories and request for Production of Documents (3M Company)(7/8)(BF)
- R86-25 Village of Tilton - Agency motion to dismiss (6/23), Response (6/30)(JM)

DISCUSSIONS:

- * 85-182 City of Mendota (RF)(due 7/31)
- * 86-49 M.I.G. Investments (JD)(due 7/31)
- * 86-54 Village of Lemont (JTM)(due 7/31)
- 86-69 ILG Industries (WN)

AMENDED PETITIONS:

84-81 Nesco Steel Barrel (filed 7/3) (See Renewed Agency motion to dismiss (7/10)) _____

NEW CASES:

86-79 Theresa Castellari, Dee Ann Mayer and Shirley Watson v. John Prior (11:00 a.m. July 31, 1986) _____

86-91 Ekco Glaco Corporation v. EPA _____

86-92 EPA v. G&W Electric Company _____

86-93 Jennison-Wright Corp. v. EPA _____

86-94 EPA v. Raymond Larson _____

86-95 IDOT, Waukegan Port District (JD) _____

86-96 LTV Steel Company v. EPA _____

86-97 Village of Oak Brook v. EPA _____

86-98 IDOT, Terry Diamond (JD) _____

86-99 Abbott Laboratories v. EPA _____

86-100 IDOT, C. Joseph Bendy et al. (JD) _____

R86-23 New Source Performance Standards (JTM) _____

R86-24 New Source Performance Standards (JTM) _____

R86-26 New Source Performance Standards (JTM) _____

R86-27 UIC Update (June 30, 1985 through June 30, 1986)(JA) _____

R86-28 RCRA Update (April 1, 1986 through June 30, 1986)(JA) _____

R86-29 Amendment to 35 Ill. Adm. Code 604.202 of Subtitle F: Public Water Supplies (Aluminum)(JD) _____

MINUTES:

June 20, 1986 _____

July 2, 1986 _____

PENDING CASES ASSIGNED:

78-139 Vickery Manor (BF)
81-144 Marathon (JD)
82-101 Browning-Ferris (JD)
82-144 City of Galena (JD)
83-163 Larry Bittle (RF)
84-93 S.C. Industries (BF)
84-124 Overnite Trucking (BF)
84-125 Clairmont Trucking (BF)
84-161 L&S Industries (JD)
* 85-14 Electric Energy (JA)(open waiver)
85-19 Monsanto (BF)
85-129 Richard Termaat (JA)
* 85-179 Camsco Produce (JTM)(due 8/28)
85-202 Metropolitan S.D. CSO (JD)
85-208 North Shore S.D. CSO (BF)
* 85-209 Village of Carol Stream (RF)(due 9/25)
85-219 City of Watseka CSO (JD)
85-222 S.D. of Elgin CSO (JTM)
85-225 Aurora S.D. CSO (BF)
86-1 City of Peru CSO (JTM)
86-3 City of Oglesby CSO (JD)
86-6 City of Wood River CSO (JD)
* 86-9 Trilla Steel Drum (JM)(due 8/14)
* 86-10 Bravo-Ernst (BF)(due 8/14)
* 86-45 Mobil Oil (JM)(due 8/14)
* 86-53 Central Illinois Utility (JTM)(due 9/11)
* 86-73 Village of Pawnee (JTM)(due 10/9)
* 86-75 Lake County Public Works (WN)(due 8/14)
* 86-76 Fritz Enterprises (JTM)(due 8/14)