

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
JULY 31, 1986 CHICAGO, ILLINOIS

All Board Members were present save for Mr. Nega who was ill and Dr. Flemal who was on vacation.

An Opinion and Order were adopted in #86-54, Village of Lemont, by a vote of 5-0. Board Members J. Anderson, J. Dumelle and B. Forcade concurred. (JTM)

An Opinion and Order were adopted in #86-55, Acme Barrel Company, by a vote of 4-1. Mr. Meyer dissented and Dr. Marlin concurred. (JD)

An Opinion and Order were adopted in #86-65, Village of Willowbrook, by a vote of 4-1. Mr. Forcade dissented and Mr. Dumelle concurred. (JA)

An Opinion and Order were adopted in #86-69, ILG Industries, by a vote of 5-0. (JD)

Request for modification of January 24, 1985 Board Order in #84-57, City of Keithsburg, was granted by a vote of 5-0. (BF)

Motion to set a hearing date in #84-92, Richard Krohn, was granted by a vote of 5-0. (JD)

Petition to withdraw in #86-5, City of Effingham, was granted by a vote of 5-0. (JM)

Motion to dismiss was denied and motion for leave to file Instanter a reply Memorandum in Support of motion to dismiss was granted in #86-7, Fritz Enterprises, by a vote of 5-0. (JA)

Motion for leave to file Instanter the Agency Recommendation in #86-10, Bravo-Ernst, was granted by a vote of 5-0. (BF)

Agency motion to bring limited issues before the Board for disposition in #86-32, City of Sycamore, was denied by a vote of 5-0. (JA)

Motion to dismiss and motion to strike in #86-38, Williams Pipeline, were denied by a vote of 4-1. Mr. Meyer dissented. (JD)

Motion for leave to withdraw permit appeal in #86-49, M.I.G. Investments, was granted by a vote of 5-0. (JD)

An Order was adopted in ##86-57, 86-62, Village of Sauget and Monsanto Company, by a vote of 5-0. (JA)

Motion to stay enforcement of contested NPDES Permit Conditions in ##86-58, 86-63, Village of Sauget and Monsanto Company, was granted by a vote of 5-0. (JA)

Motion for time in #86-59, Village of Round Lake Beach, was granted by a vote of 5-0. (BF)

Petition to intervene in #86-64, Abbott Laboratories, was granted by a vote of 5-0. (JD)

An Order was adopted in #86-68, Americans for Clean Environment, by a vote of 5-0. (JA)

An Order was adopted in #86-93, Jennison-Wright, by a vote of 5-0. (JA)

Motion to waive hearing in #86-97, Village of Oak Brook, was denied by a vote of 5-0. (JA)

Motion for leave to present testimony and for scheduling Order in R82-14, RACT III, was granted by a vote of 5-0. (BF)

These cases were discussed and held to August 14, 1986 for possible consideration: ##82-101, Browning-Ferris; 86-10, Bravo-Ernst; 86-45, Mobil Oil; 86-75, Lake County Public Works; 86-76, Fritz Enterprises.

Renewed Agency motion to dismiss was denied by a vote of 5-0 and amended petition #84-81, Nesco Steel Barrel, will proceed to hearing. (JA)

In new cases these actions were taken by a vote of 5-0: ##86-79, Theresa Castellari, Dee Ann Mayer and Shirley Watson v. John Prior, hearing authorized; 86-102, EPA v. Ecko Products, Inc., hearing mandatory; 86-103, Waste Management of Illinois, Inc. v. EPA, motion for leave to appear before the Board Pro Hac Vice granted and hearing authorized, **Order by Mr. Forcade**; 86-104, EPA v. Sours Grain Company, hearing mandatory; 86-105, Illinois Department of Transportation, Mr. & Mrs. Herbert Stride, **Chairman authorized to sign permit document and to prepare an Order**; 86-106, Illinois Department of Transportation, City of Lake Forest, **Chairman authorized to sign permit document and to prepare an Order**; 86-107, Illinois Department of Transportation, Department of the Army, **Chairman authorized to sign permit document and to prepare an Order**; 86-108, EPA v. Joliet Sand and Gravel Company, hearing mandatory; 86-109, Waste Management v. McHenry County Board, hearing authorized, **Order by Mr. Forcade**; 86-110, EPA v. Village of Dunlap, hearing mandatory; 86-111, Illinois Department of Transportation, William Graham, **Chairman authorized to sign permit document and to prepare an Order**; 86-112, Illinois Department of Transportation, Lakeside Group, **Chairman authorized to sign permit document and to prepare an Order**; 86-114, Illinois Department of Transportation, Dr. Leroy Pesch, additional information requested, **Order by Mr. Forcade**;

86-116, Bloomington and Normal Sanitary District v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle**; 86-118, Libby-Owens-Ford Company v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle**; R86-31, CIPS Site-Specific, 200 signature requirement waived and hearing authorized, **Order by Mr. Dumelle**; R86-32, Acme Barrel Company et al. Petition for Industry Rulemaking (Air Rules), 200 signature requirement waived and hearing authorized, **Order by Mr. Dumelle**.

By a vote of 4-1, the Chairman was authorized to sign the permit document and to prepare an Order in new case #86-113, Illinois Department of Transportation, Wilmette Park District. Mr. Forcade dissented.

Minutes of the July 11, 1986 Board Meeting were approved by a vote of 5-0. (The meeting was then adjourned until 4:00 p.m.)


**4:00 P.M. SESSION:**

All Board Members were present save Mr. Nega who was ill and Dr. Flemal who was on vacation.

A provisional variance was granted in new case #86-117, Arlington Park Racetrack v. EPA, by a vote of 5-0. **Opinion and Order by Mr. Dumelle**.

All other matters not disposed of as listed were ordered held until August 14, 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 14<sup>th</sup> day of August, 1986 by a vote of 5-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
JULY 31, 1986 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-036

DECISIONS:

- \* 86-54 Village of Lemont (JTM)(due) \_\_\_\_\_
- 86-55 Acme Barrel Company (JD) \_\_\_\_\_
- \* 86-65 Village of Willowbrook (JA)(due) \_\_\_\_\_
- 86-69 ILG Industries (JD) \_\_\_\_\_
- R82-1 Opacity Rule, Proposed Rule, Third First Notice,  
(B) Proposed Opinion and Order (JD) \_\_\_\_\_
- R84-48 LTV Steel Site-Specific, Proposed Rule, Second Notice,  
Opinion and Order (JTM) \_\_\_\_\_
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MOTIONS:

- 84-57 City of Keithsburg - request for modification of January  
24, 1985 Board Order (6/19), Agency response to motion  
to modify Board Order (7/9)(BF) \_\_\_\_\_
- 84-92 Richard Krohn - motion to set a hearing date (6/26)  
\_\_\_\_\_
- 85-44) DuPage Publications - Agency motion for reconsideration  
85-70) (6/16)(BF) \_\_\_\_\_  
85-130)
- 86-5 City of Effingham - petition to withdraw (7/18)(JM)  
\_\_\_\_\_
- 86-7 Fritz Enterprises - motion to dismiss, or alternately,  
for summary judgment, memorandum of law in support of  
motion to dismiss, or alternately, for summary judgment  
(7/18), Agency objection to motion to dismiss or  
alternatively, for summary judgment (7/25), motion for  
leave to file Instanter and reply Memorandum in Support  
of motion to dismiss or, alternately, for summary  
judgment (7/29)(JA) \_\_\_\_\_

\*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 86-10 Bravo-Ernst - Agency motion for leave to file Recommendation Instanter (7/15)(BF) \_\_\_\_\_
- 86-32 City of Sycamore - Agency motion to bring limited issues before the Board for disposition (7/2)(JA) \_\_\_\_\_
- 86-38 Williams Pipeline - motion to dismiss (7/8), Agency response to motion to dismiss (7/18), motion to strike (7/18), response in opposition to motion to strike (7/25) \_\_\_\_\_
- 86-49 M.I.G. Investments - motion for leave to withdraw permit appeal (7/28)(JD) \_\_\_\_\_
- 86-57) Village of Sauget - motion to stay enforcement of  
86-62) reissued NPDES Permit (7/11) \_\_\_\_\_
- 86-58) Village of Sauget - motion to stay enforcement of  
86-63) contested NPDES Permit Conditions (7/11) \_\_\_\_\_
- 86-59 Round Lake Beach - motion for time (7/17) \_\_\_\_\_
- 86-64 Abbott Laboratories - Petition to Intervene (7/25) \_\_\_\_\_
- 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), response to motion to dismiss (7/21), Citizens responses/objections (7/23), motion to strike Complainant's response to motion to dismiss (7/29), supplemental motion to dismiss complaint for Complainant's lack of standing (7/29) \_\_\_\_\_
- 86-93 Jennison-Wright - response to the Board's Order regarding confidential information (7/30) \_\_\_\_\_
- 86-97 Village of Oak Brook - motion to waive hearing (7/29) \_\_\_\_\_
- R82-14 RACT III - motion for leave to present testimony and for scheduling Order (7/29)(BF) \_\_\_\_\_

**DISCUSSIONS:**

- 82-101 Browning-Ferris (JD) \_\_\_\_\_
- \* 86-10 Bravo-Ernst (BF)(due 8/14) \_\_\_\_\_
- \* 86-45 Mobil Oil (JM)(due 8/14) \_\_\_\_\_
- \* 86-75 Lake County Public Works (WN)(due 8/14) \_\_\_\_\_
- \* 86-76 Fritz Enterprises (JTM)(due 8/14) \_\_\_\_\_
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**AMENDED PETITIONS:**

- 84-81 Nesco Steel Barrel (filed 7/3)(See renewed Agency motion to dismiss (7/10) and Petitioner's response filed (7/18)) \_\_\_\_\_
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**NEW CASES:**

- 86-79 Theresa Castellari, Dee Ann Mayer and Shirley Watson v. John Prior (11:00 a.m.) \_\_\_\_\_
- 86-92 EPA v. G&W Electric Company \_\_\_\_\_
- 86-102 EPA v. Ecko Products, Inc. \_\_\_\_\_
- 86-103 Waste Management of Illinois, Inc. v. EPA (See motion for leave to appear before the Board Pro Hac Vice (7/11)) \_\_\_\_\_
- 86-104 EPA v. Sours Grain Company \_\_\_\_\_
- 86-105 IDOT, Mr. & Mrs. Herbert Stride (JD) \_\_\_\_\_
- 86-106 ODOT, City of Lake Forest (JD) \_\_\_\_\_
- 86-107 IDOT, Dept. of the Army (JD) \_\_\_\_\_
- 86-108 EPA v. Joliet Sand and Gravel Company \_\_\_\_\_
- 86-109 Waste Management v. McHenry County Board \_\_\_\_\_
- 86-110 EPA v. Village of Dunlap \_\_\_\_\_
- 86-111 IDOT, William Graham (JD) \_\_\_\_\_
- 86-112 IDOT, Lakeside Group (JD) \_\_\_\_\_
- 86-113 IDOT, Wilmette Park District (JD) \_\_\_\_\_

NEW CASES: (Cont'd)

- 86-114 IDOT, Dr. Leroy Pesch (JD) \_\_\_\_\_
  - 86-115 IDOT, Department of Conservation (JD) \_\_\_\_\_
  - R86- CIPS Site-Specific \_\_\_\_\_
  - R86- Acme Barrel Company et al. Petition for Industry  
Rulemaking (Air Rules) \_\_\_\_\_
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MINUTES:

July 11, 1986 \_\_\_\_\_

PENDING CASES ASSIGNED:

78-139 Vickery Manor (BF)  
81-144 Marathon (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 9/25)  
85-202 Metropolitan S.D. CSO (JD)  
85-208 North Shore S.D. CSO (BF)  
\* 85-209 Village of Carol Stream (RF)(due 10/23)  
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)  
86-2 City of LaSalle CSO (JTM)  
86-3 City of Oglesby CSO (JA)  
86-6 City of Wood River CSO (JD)  
\* 86-9 Trilla Steel Drum (JM)(due 9/25)  
\* 86-53 Central Illinois Utility (JTM)(due 9/11)  
\* 86-59 Village of Round Lake Beach (RF)(due 8/28)  
\* 86-73 Village of Pawnee (JTM)(due 10/9)  
\* 86-80 City of Ottawa (JTM)(due 9/11)