

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
AUGUST 14, 1986 CHICAGO, ILLINOIS

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

An Opinion and Order were adopted in #78-139, Vickery Manor, by a vote of 6-0. (BF)

An Opinion and Order were adopted in #86-10, Bravo-Ernst, by a vote of 6-0. (BF)

An Opinion and Order were adopted in #86-45, Mobil Oil, by a vote of 6-0. (JM)

An Opinion and Order were adopted in #86-75, Lake County Public Works, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

A Proposed Rule, Third First Notice, Proposed Opinion and Order, were adopted in R82-1(B), Opacity rule, by a vote of 6-0. (JD)

Motion to reconsider July 2, 1986 sanctions Order in #79-145, Celotex, was denied by a vote of 6-0. (JA)

Motion to dismiss in #81-122, Vickery Manor, was granted by a vote of 6-0. (BF)

A hearing was ordered to be scheduled in 30 days and held within 60 days in #81-144, Marathon Petroleum, by a vote of 6-0. (JD)

An Order dismissing the proceedings in #82-144, City of Galena, was adopted by a vote of 6-0. (JD)

Motion to withdraw answer was granted and motion to dismiss complaint and motion to make complaint more definite was denied in #83-132, Dunn Company, by a vote of 6-0. (BF)

By a vote of 6-0, motion to supplement Record Instanter and motion to file amended proposed Order Instanter in #85-219, City of Watseka, was referred to the hearing officer for handling.

By a vote of 6-0, motion to amend hearing schedule in #86-18, Hillview Farms, was referred to the hearing officer for handling.

Motion for leave to file Instanter the Agency Recommendation in #86-71, Alton Packaging, was granted by a vote of 6-0. (JD)

Motion to substitute hearing exhibit in #86-76, Fritz Enterprises, was granted by a vote of 6-0. (JTM)

Motion to require Respondent to file answer to complaint in

#86-79, John Prior, was denied by a vote of 6-0. (JD)

Motion for modification of May 22, 1986 Board Order in R82-14, RACT III, was granted by a vote of 6-0. (BF)

The following case was discussed and held to August 28, 1986 for possible consideration: #86-76, Fritz Enterprises.

These regulatory matters were discussed and held to August 28, 1986 for possible consideration: R85-21, VOC; R85-28, National Can Site-Specific.

In new cases these actions were taken by a vote of 6-0: ##86-92, EPA v. G&W Electric Company, hearing mandatory; 86-109, Waste Management of Illinois, cross-appeal of issues not presented by Waste Management, Inc. filed in this matter by McHenry County Concerned Citizens and the McHenry County Defenders will not be provided a separate docket number, but will proceed under the PCB 86-109 docket number, **Order by Mrs. Anderson**; 86-114, Illinois Department of Transportation, Dr. Leroy Pesch, **Chairman authorized to sign permit document and to prepare an Order**; 86-115, Illinois Department of Transportation, Department of Conservation, **Chairman authorized to sign permit document and to prepare an Order**; 86-119, Enron Chemical Company v. EPA, hearing authorized, **Order by Mr. Forcade**; 86-120, Enron Chemical Company v. EPA, additional information requested, **Order by Mrs. Anderson**; 86-121, City of Joliet v. EPA, hearing authorized, **Order by Mr. Forcade**; 86-122, EPA v. Roger Blunier, hearing mandatory; R86-33, NESHAPS, **Resolution and Order by Mr. Meyer**; R86-34, Agency Proposed Amendments to Part 211 (Municipal Waste Incineration Regulations), accepted for publication and hearing authorized.

Minutes of the July 31, 1986 Board Meeting were approved by a vote of 6-0. (The meeting was then adjourned until 2:00 p.m.)

**2:00 P.M. SESSION:**

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

A Supplemental Order was adopted in #84-161, L&S Industries, by a vote of 5-1. Mr. Meyer dissented. (JD)

Agency motion for reconsideration was granted and the Board's May 9, 1986 Opinion and Order were affirmed in #85-44, -70, -130, DuPage Publications, by a vote of 4-2. Messrs. J. Dumelle and R. Flemal dissented. (BF)

By a vote of 6-0, additional information was requested in new case #86-123, Military and Naval Department v. EPA. (JA)

This matter was discussed and held to August 28, 1986 for possible consideration: R86-8, Groundwater Protection Plan.

All other matters not disposed of as listed were ordered held to August 28, 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 28<sup>th</sup> day of August, 1986 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
AUGUST 14, 1986 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-036

**DECISIONS:**

- 78-139 Vickery Manor, Acceptance of Stipulation (BF)  
\_\_\_\_\_
- 84-161 L&S Industries, Supplemental Order (JD)\_\_\_\_\_
- \* 86-10 Bravo-Ernst (BF)(due)\_\_\_\_\_
- \* 86-45 Mobil Oil (JM)(due)\_\_\_\_\_
- \* 86-75 Lake County Works (JA)(due)\_\_\_\_\_
- 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:**

- 79-145 Celotex - motion to reconsider July 2, 1986 sanctions  
Order (7/30), response in opposition to motion to  
reconsider July 2, 1986 sanction Order (8/7), Celotex  
motion for additional sanctions (8/13)(JA)  
\_\_\_\_\_
- 81-122 Vickery Manor - motion to dismiss (BF)\_\_\_\_\_
- 81-144 Marathon Petroleum - Board Order (See March 21, 1986  
Status Report)(JD)\_\_\_\_\_
- 82-101 Browning-Ferris - motion to stay decision (8/7)(JD)  
\_\_\_\_\_
- 82-144 City of Galena - Board Order (See May 22, 1986 Board  
Order)(JD)\_\_\_\_\_
- 83-132 Dunn Company - motion to withdraw answer; motion to  
dismiss Complaint; motion to make Complaint more  
definite (7/31)\_\_\_\_\_

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\*INDICATES VARIANCE OR PERMIT APPEAL

**MOTIONS: (Cont'd)**

- 85-44) DuPage Publications - Agency motion for reconsideration  
85-70) (BF) \_\_\_\_\_  
85-130) \_\_\_\_\_
- 85-182 City of Mendota - application for stay of decision  
and/or modification of Order (8/13)(RF) \_\_\_\_\_
- 85-219 City of Watseka - motion to supplement Record Instanter  
and motion to file amended proposed Order Instanter  
(8/8)(JD) \_\_\_\_\_
- 86-18 Hillview Farms - motion to amend hearing schedule  
(8/5) \_\_\_\_\_
- 86-54 Village of Lemont - motion for reconsideration  
(8/12)(JTM) \_\_\_\_\_
- 86-71 Alton Packaging - motion for leave to file  
Recommendation Instanter (8/4) \_\_\_\_\_
- 86-76 Fritz Enterprises - motion to substitute hearing exhibit  
(8/11)(JTM) \_\_\_\_\_
- 86-79 John Prior - motion to require Respondent to file answer  
to Complaint (8/4) \_\_\_\_\_
- 86-108 Joliet Sand & Gravel - motion to dismiss (8/8) \_\_\_\_\_
- 882-14 RACT III - motion for modification of May 22, 1986 Board  
Order (8/13)(BF) \_\_\_\_\_
- R86-10 Abbott Laboratories - Petitioner's motion for a  
Protective Order (4/10), Agency's response to motion for  
a Protective Order (4/22), Petitioner's motion for leave  
to file replies to Agency's response to motion for  
Protective Order (4/24), Petitioner's reply Memorandum  
in support of its motion for Protective Order and in  
opposition to the Agency's motion to compel discovery  
(8/4)(JD) \_\_\_\_\_

**DISCUSSIONS:**

- \* 86-76 Fritz Enterprises (JTM)(due 8/28) \_\_\_\_\_

**REGULATORY DISCUSSIONS:**

R85-21 VOC (RF) \_\_\_\_\_  
R85-28 National Can Site-Specific (JTM) \_\_\_\_\_  
R86-8 Groundwater Protection Plan (RF) \_\_\_\_\_

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**NEW CASES:**

86-92 EPA v. G&W Electric Company \_\_\_\_\_  
86-109 Waste Management of Illinois (See Petition or Cross  
Appeal of Issues decided by McHenry County Board filed  
by the McHenry County Concerned Citizens and the McHenry  
County Defenders(8/11))(JA) \_\_\_\_\_  
86-114 IDOT, Dr. Leroy Pesch (See response filed 8/11)(JD)  
\_\_\_\_\_  
86-115 IDOT, Department of Conservation (JD) \_\_\_\_\_  
86-119 Enron Chemical Company v. EPA \_\_\_\_\_  
86-120 Enron Chemical Company v. EPA \_\_\_\_\_  
86-121 City of Joliet v. EPA (BF) \_\_\_\_\_  
86-122 EPA v. Roger Blunier \_\_\_\_\_  
R86-33 NESHAPS (JTM) \_\_\_\_\_  
R86-34 Agency Proposed Amendments to Part 211 (Municipal Waste  
Incineration Regulations) \_\_\_\_\_

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**MINUTES:**

July 31, 1986 \_\_\_\_\_

PENDING CASES ASSIGNED:

81-144 Marathon (JD)  
83-163 Larry Bittle (RF)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
84-125 Clairmont Trucking (BF)  
\* 85-14 Electric Energy (JA)(open waiver)  
85-19 Monsanto (BF)  
\* 85-84 Illinois Power Company (JD)(due 11/6)  
85-129 Richard Termaat (JA)  
85-173 Majestic Wood (JD)  
\* 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)  
\* 86-53 Central Illinois Utility (JTM)(due 9/11)  
\* 86-59 Village of Round Lake Beach (RF)(due 9/25)  
\* 86-73 Village of Pawnee (JTM)(due 10/9)  
\* 86-80 City of Ottawa (JTM)(due 9/11)  
\* 86-97 Village of Oak Brook (JM)(due 9/25)