

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
MARCH 19, 1987 CHICAGO, ILLINOIS

All Board Members were present.

A draft Opinion and Order by B. Forcade in #84-64, Rodger Diamond, failed to carry by a 3-3 vote with B. Forcade, R. Flemal and J. Theodore Meyer for it and J. Dumelle, J. Anderson, and J. Marlin against.

An Opinion and Order were adopted in #85-138, North Shore Sanitary District, by a vote of 6-0. (JA)

An Opinion and Order were adopted in #86-18, Hillview Farms, by a vote of 6-0. (JD)

A draft Opinion by J. Anderson in #86-48, Wells Manufacturing, failed to carry by a 3-3 vote with J. Anderson, J. Marlin and J. Theodore Meyer for it and J. Dumelle, B. Forcade and R. Flemal against. A joint Opinion by J. Dumelle, B. Forcade and R. Flemal and a joint Opinion by J. Anderson, J. Marlin and J. Theodore Meyer were then submitted.

An Opinion and Order were adopted in #86-147, Central Illinois Public Service, by a vote of 6-0. (JD)

An Opinion and Order were adopted in #86-199, North Suburban Public Utility, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

An Order was adopted in #86-207, Village of Lemont, by a vote of 5-1. Mr. Forcade dissented and Mr. Dumelle concurred. (JTM)

A Proposed Rule, First Notice, Proposed Opinion and Order were adopted in R81-18, Prior Conduct Certification for Waste Disposal Site Personnel, by a vote of 6-0. Mr. Dumelle concurred. (RF)

An Adopted Rule, Final Order, Opinion and Order, were adopted in R82-14, RACT III (Petroleum Dry Cleaners), by a vote of 6-0. (BF)

A First Notice Order was adopted in R82-27, -36, 83-37, Procedural Rules, Part 101, by a vote of 6-0. Mr. Forcade concurred. (JTM)

An Adopted Rule, Final Order, Final Opinion and Order were adopted in R84-13, Union Oil Site-Specific, by a vote of 5-1. Mr. Forcade dissented. (JM)

A Proposal for Public Comment, Proposed Opinion and Order were adopted in R86-46, RCRA Update (July 1, 1986 through September

30, 1986), by a vote of 6-0. (JA)

Orders were adopted in these Administrative Citation cases by a vote of 6-0: ##87-7, Robert L. Stevenson; 87-8, Leslie Thorson; 87-9, Bergbower Landfill; 87-10, City of Metropolis; 87-12, Ralph Johnson.

Motion to set pre-hearing and hearing schedule was denied and a default judgment was entered dismissing the proceedings in #85-131, Concerned Neighbors, by a vote of 5-1. Dr. Flemal dissented and Dr. Marlin concurred. (BF)

An Order affording Complainants until April 10, 1987 to respond to Respondent's May 19, 1986 interrogatories and request for production of documents was adopted in #86-44, Continental Grain Company, by a vote of 6-0. (RF)

An Order dismissing the proceedings in #86-68, Mervis Industries, without prejudice, was adopted by a vote of 5-1. Dr. Flemal dissented. (JD)

Petition for leave to withdraw as counsel was granted in #86-70, Hillview Farms, by a vote of 6-0. (JD)

Motion to correct the transcript in #86-154, Illinois Power, was referred to the Hearing Officer for disposition.

Motion for extension of time to file Certificate of Acceptance and Agreement in #86-157, City of Elmhurst, was granted until May 5, 1987, by a vote of 6-0. (JA)

Motion for an additional hearing and to postpone the briefing schedule was granted in #86-185, Citizens Utilities, by a vote of 6-0. (JA)

An Order affording Complainant until April 17, 1987 to file a supporting argument to show cause why the proceedings should not be dismissed in #86-189, Aspen Enterprises, was adopted by a vote of 6-0. (RF)

Petition for leave to withdraw as counsel was granted in #86-210, Hillview Farms, by a vote of 6-0. (JD)

An Agency motion for leave to file microfiche to supplement the permit record was granted in #86-226, Village of Fox River Grove, by a vote of 6-0. (JD)

An Order directing the parties to file briefs not later than March 30, 1987 was adopted in #87-8, Hopkins Agriculture, by a vote of 5-1. Mr. Dumelle dissented. (BF)

An Agency motion to file Instantly the Recommendation in #87-9, Village of Plainfield, was granted by a vote of 6-0. (JA)  
An Order affording parties until April 2, 1987 to file a signed

Stipulation or proceedings will be set for hearing was adopted in #85-88, Richard Nauman, by a vote of 6-0. (JD)

These cases were discussed and held to April 1, 1987 for possible consideration: ##85-216, City of Clinton CSO; 85-219, City of Watseka CSO; 86-154, Illinois Power Company.

These regulatory matters were discussed and held to April 1, 1987 for possible consideration: R82-27, -36, 83-37, Procedural Rules, Part 102; R85-20, New Source Review Rule.

In amended petitions these actions were taken by a vote of 6-0: ##86-187, The New Jersey Zinc Company, hearing authorized; 86-213, City of South Beloit, Petitioner's March 9, 1987 response to Agency Recommendation construed as an amended petition, **Order by Mr. Forcade.**

In new cases these actions were taken by a vote of 6-0: ##87-28, Borden, Inc. v. EPA, hearing authorized; 87-29, John Ash, Sr. v. Iroquois County Board, hearing authorized, **Order by Mr. Forcade;** 87-30, Chicago, Central and Pacific Railroad v. EPA, additional information requested, **Order by Mr. Forcade;** 87-31, Illinois Department of Transportation, Lake Bluff Park District, **Chairman authorized to sign permit document and to prepare an Order;** 87-32, Illinois Department of Transportation, Wilmette Harbor Association, additional information requested, **Order by Mr. Forcade;** 87-34, A.R.F. Landfill Corporation v. Village of Round Lake Park, the Board on its own motion joined Lake County as a party Respondent and hearing authorized, **Order by Mr. Forcade;** 87-35, Village of Minooka v. EPA, additional information requested, **Order by Mr. Forcade;** 87-36, Peter Valessares and Edward F. Heil v. the County Board of Kane County and Waste Management of Illinois, Inc., hearing authorized, **Order by Mr. Forcade;** R87-5, RCRA Update (October 1, 1986 through December 31, 1986), docket opened for the purpose of updating the RCRA rules to correspond with USEPA rules, **Order by Mrs. Anderson.**

By a vote of 5-1 Petitioner's request for an extension of variance in new case #87-33, City of Yorkville v. EPA, will be treated as a motion for modification and handled in #86-24, City of Yorkville, if no objection is filed by the Petitioner or Agency by March 30, 1987. Mr. Dumelle dissented. (JM)

These new Administrative Citation cases were received by the Board: ##87-18, City of Sterling; 87-19, Earl R. Bradd; 87-20, Kenneth F. Ile; 87-21, John Daubs; 87-22, County of White.

Minutes of the March 5, 1987 Board Meeting were approved by a vote of 6-0.

By a vote of 6-0 the regular Board meeting scheduled for April 2 was changed to April 1.

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

April 1, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 1<sup>st</sup> day of April, 1987 by a vote of 6-0.

*Dorothy M. Gunn*

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MARCH 19, 1987 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-031  
10:30 A.M.

DECISIONS:

- 83-163 Larry Bittle (RF)\_\_\_\_\_
- 84-64 Rodger Diamond (RF)(BF)\_\_\_\_\_
- \* 85-138 North Shore S.D. (JA)(open waiver)\_\_\_\_\_
- 86-1 City of Peru CSO (JTM)\_\_\_\_\_
- 86-2 City of LaSalle CSO (JTM)\_\_\_\_\_
- \* 86-18 Hillview Farms (JD)(open waiver)\_\_\_\_\_
- \* 86-48 Wells Manufacturing, Opinion (RF)\_\_\_\_\_
- \* 86-147 Central Illinois Public Service (JD)(due)\_\_\_\_\_
- \* 86-199 No. Suburban Public Utility (RF)(due)\_\_\_\_\_
- \* 86-207 Village of Lemont, Order (JTM)(due 4/2)\_\_\_\_\_
- R81-18 Landfill Chief Operator Past Qualifications, Proposed Rule, First Notice, Proposed Opinion and Order (RF)
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- R82-14 RACT III, Adopted Rule, Final Notice, Opinion and Order (BF)\_\_\_\_\_
- R82-27) Procedural Rules Part 101, Resolution (JTM)  
R82-36)  
R83-37)
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- R84-13 Union Oil Site-Specific, Adopted Rule, Final Order, Final Opinion and Order (JM)\_\_\_\_\_
- R86-46 RCRA Update (July 1, 1986 through September 30, 1986), Proposal for Public Comment, Proposed Opinion and Order (JA)\_\_\_\_\_

\*INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS:

87-7 Robert L. Stevenson \_\_\_\_\_  
87-8 Leslie Thorson \_\_\_\_\_  
87-9 Bergbower Landfill \_\_\_\_\_  
87-10 City of Metropolis \_\_\_\_\_  
87-12 Ralph Johnson \_\_\_\_\_

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MOTIONS:

85-131 Concerned Neighbors - motion to set pre-hearing and hearing schedule (3/2)(BF) \_\_\_\_\_  
86-31 Acme Barrel - motion to supplement petition for variance (3/6)(RF) \_\_\_\_\_  
86-44 Continental Grain - motion to dismiss (1/23), Complainant's response (3/13)(RF) \_\_\_\_\_  
86-68 Mervis Industries - motion to vacate and request for oral argument (1/21), response (2/2), Respondent's motion to certify Order for appeal and to Stay further proceedings pending resolution by the Appellate Court (2/17), Complainant's motion for continuance (3/5), Respondent's motion for expedited Affirmative Relief and opposition to Complainant's motion for continuance (3/16)(JD) \_\_\_\_\_  
86-70 Hillview Farms - petition for leave to withdraw as Counsel (3/2) \_\_\_\_\_  
86-154 Illinois Power - motion to correct transcript (3/4)(JD) \_\_\_\_\_  
86-157 City of Elmhurst - motion for extension of time to file Certificate of Acceptance and Agreement (3/10)(JA) \_\_\_\_\_  
86-185 Citizens Utilities - motion for additional hearing and to postpone briefing schedule (3/9), Agency response (3/17)(JA) \_\_\_\_\_  
86-189 Aspen Enterprises - motion to dismiss (12/3), proof of service (1/16) \_\_\_\_\_  
86-210 Hillview Farms - petition for leave to withdraw as Counsel (3/2) \_\_\_\_\_

**MOTIONS: (Cont'd)**

- 87-8      Hopkins Agriculture - Petitioner's renewed motion for Stay (2/13), Agency request for extension of time for reply to Petitioner's reply memorandum (2/18), Agency response Memorandum (2/19), Petitioner's reply to Agency response Memorandum (3/2), Agency's new facts relating to motion for Stay and response to renewed motion for Stay (3/3), Petitioner's Surreply (3/5), Agency motion to correct factual errot (3/17)\_\_\_\_\_
- 87-9      Village of Plainfield - Agency motion to file Recommendation Instanter (3/11)(JA)\_\_\_\_\_

**DISCUSSIONS:**

- 85-88      Richard Nauman (JD)\_\_\_\_\_
- 85-216      City of Clinton CSO (JM)\_\_\_\_\_
- 85-219      City of Watseka CSO (JD)\_\_\_\_\_
- \* 86-154      Illinois Power Company (JD)(due 4/2)\_\_\_\_\_
- \* 86-207      Village of Lemont (JTM)(due 4/2)\_\_\_\_\_

**REGULATORY DISCUSSIONS:**

- R82-27)      Procedural Rules, Part 102 (JTM)\_\_\_\_\_
- R82-36)
- R83-37)
- R85-20      New Source Review Rule (JD)\_\_\_\_\_

**AMENDED PETITIONS:**

- 86-187      The New Jersey Zinc Co. (filed 3/6)\_\_\_\_\_
- 86-213      City of South Beloit (filed 3/9)(BF)\_\_\_\_\_

**NEW CASES:**

- 87-28      Borden, Inc. v. EPA\_\_\_\_\_
- 87-29      John Ash, Sr. v. Iroquois County Board (BF)\_\_\_\_\_

**NEW CASES: (Cont'd)**

87-30 Chicago, Central & Pacific Railroad v. EPA (BF)  
\_\_\_\_\_

87-31 IDOT, Lake Bluff Park District (JD) \_\_\_\_\_

87-32 IDOT, Wilmette Harbor Association (JD) \_\_\_\_\_

87-33 City of Yorkville v. EPA \_\_\_\_\_

87-34 A.R.F. Landfill Corp. v. Village of Round Lake Park (BF)  
\_\_\_\_\_

87-35 Village of Minooka v. EPA (BF) \_\_\_\_\_

87-36 Peter Valessares and Edward F. Heil v. the County Board  
of Kane County and Waste Management of Illinois, Inc.  
(BF) \_\_\_\_\_

R87-5 RCRA Update (October 1, 1986 through December 31,  
1986)(JA) \_\_\_\_\_

**AC APPEALS:**

\*\* 87-6 James H. Pressnall \_\_\_\_\_

**NEW AC FILINGS:**

87-18 City of Sterling \_\_\_\_\_

87-19 Earl R. Bradd \_\_\_\_\_

87-20 Kenneth F. Ile \_\_\_\_\_

87-21 John Daubs \_\_\_\_\_

87-22 County of White \_\_\_\_\_

**MINUTES:**

March 5, 1987 \_\_\_\_\_

**POSSIBLE CHANGE IN MEETING DATE:**

From April 2 to April 1 (Illinois River Conference is April 2-3)

PENDING CASES ASSIGNED:

81-151 Dean Foods (BF)  
82-101 Browning-Ferris (JD)  
83-49 Alton Packaging (RF)(open waiver)  
83-55)  
83-132 Dunn Company (BF)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
85-4 John Eilrich (RF)  
85-19 Monsanto (BF)  
85-131 Concerned Neighbors (BF)  
85-136 Navem Patel (BF)  
\* 85-154 Modine Manufacturing (RF)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
\* 85-179 Camsco Produce (JTM)(due 4/30)  
\* 85-190 Sours Grain (JD)(open waiver)  
\* 85-209 Village of Carol Stream (RF)(due 11/30)  
85-218 City of Belleville CSO (JD)  
85-222 Sanitary District of Elgin CSO (JTM)  
85-224 Aurora S.D. CSO (BF)  
86-4 City of Morris CSO (JD)  
86-6 City of Wood River CSO (JD)  
\* 86-22 American Steel Container (JA)(due 4/30)  
\* 86-23 American Steel Container (JA)(due 4/30)  
\* 86-31 Acme Barrel (RF)(due 4/30)  
86-50 Chicago Steel (JD)  
86-56 Trilla Steel Drum (JD)  
86-79 John Prior (JM)  
\* 86-150 American Hoechst (JM)(open waiver)  
\* 86-174 IBP, Inc. (JM)(due 8/1)  
\* 86-185 Citizens Utilities (JA)(due 4/30)  
\* 86-213 City of South Beloit (JM)(due 6/25)  
\* 86-222 Vickory Manor (JM)(due 4/16)  
\* 86-225 City of Geneva (JA)(due 5/28)  
\* 87-5 Village of Montgomery (JM)(due 4/30)  
\* 87-9 Village of Plainfield (JA)(due 5/14)  
\* 87-12 Emergency Technical Services (JM)(due 5/28)  
\* 87-15 Honeywell, Inc. (BF)(due 6/11)  
\* 87-16 City of Lockport (RF)(due 6/11)  
\* 87-22 City of Carterville (JD)(due 6/25)