

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
APRIL 16, 1987 CHICAGO, ILLINOIS

All Board Members were present.

After various amendments were offered and accepted or rejected in #83-163, Larry Bittle, an Opinion and Order were adopted by a vote of 6-0. (RF)

An Opinion and Order were adopted in #85-88, Richard Nauman, by a vote of 6-0. (JD)

By its own motion, the Board set a briefing schedule in #85-154, Modine Manufacturing, by a vote of 6-0. (RF)

An Opinion and Order were adopted in ##86-22, -23, American Steel Container, Pail and Drum Shop, by a vote of 5-1. Mr. Forcade dissented. (JA)

An Opinion and Order were adopted in #87-5, Village of Montgomery, by vote of 4-2. Messrs. Dumelle and Forcade dissented. (JA)

An Opinion and Order were adopted in #87-9, Village of Plainfield, by a vote of 4-2. Messrs. Dumelle and Forcade dissented. (JA)

An Order was adopted in R82-27, -36, 83-37, Procedural Rules, Part 102, by a vote of 5-1. Mr. Forcade dissented. (JTM)

A Proposed Rule, Second First Notice, Order was adopted in R85-14, PWS Radium and Fluoride, by a vote of 4-2. Messrs. Dumelle and Forcade dissented. (JA)

An Order closing the docket in R86-27, UIC Update (July 1, 1985 through December 31, 1986), was adopted by a vote of 6-0. (JA)

An Order correcting a post-filing typographical error was adopted in R86-28, RCRA Update (April 1, 1986 through June 30, 1986), by a vote of 6-0. (JA)

A Proposed Rule, Second Notice, Order was adopted in R86-34, Municipal Waste Incineration, by a vote of 6-0. (RF)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-5, Everett Allen; 87-15, Leo Prasm; 87-19, Earl R. Bradd.

Motion to extend time for response was granted until June 15, 1987 in ##84-45, -61, -68, Waste Management, by a vote of 6-0. (JA)

Motion to withdraw the permit appeals in ##85-155, and 86-19, Interstate Pollution Control, was granted by a vote of 6-0. (BF)

Motion for modification of the May 9, 1986 Order in #86-24, City of Yorkville was granted and the Clerk was directed to close the docket in #87-33, City of Yorkville, by a vote of 6-0. Mr. Dumelle concurred. (JM)

Motion for reconsideration was denied and motion for leave to file reply to response to motion for reconsideration instanter was granted in #86-44, Continental Grain, by a vote of 6-0. (JD)

An agreed motion to dismiss was granted in #86-77, Commonwealth Edison, by a vote of 6-0. (BF)

Agency motion to file Instanter the Agency Recommendation was granted in #86-225, City of Geneva, by a vote of 6-0. (JA)

Respondent's motion that it not be required to make photocopies of Petitioner's exhibits ##4, 5, 6, 7, 12, 16 and 40 was granted in #87-29, John Ash, Sr., by a vote of 6-0. The remaining motions were directed to the hearing officer for disposition. (BF)

Petitioner's motion to exclude Lake County as a party was denied and the motions of the County and Village for joinder were granted in #87-34, A.R.F. Landfill, by a vote of 5-1. Mr. Meyer dissented. (JA)

An Order affording parties until April 27, 1987 to file simultaneous briefs addressing certain issues in #87-36, Peter Valessares and Edward F. Heil, was adopted by a vote of 5-1. Mr. Meyer dissented. (BF)

Motion to vacate an August 28, 1986 Order adopted in R86-10, Pharmaceutical Industry, was granted by a vote of 6-0. (JD)

The Attorney General's motion for time in which to file responsive comments in R77-4, Airport Noise, was granted until April 22, 1987 by a vote of 5-0. Mr. Meyer voted present. (JM)

These cases were discussed and held to April 30, 1987 for possible consideration: ##79-145, Celotex Corporation; 85-4, John Eilrich; 85-219, City of Watseka CSO; 85-222, Sanitary District of Elgin CSO; 86-31, Acme Barrel; 86-79, John Prior; 87-16, City of Lockport; 87-22, City of Carterville.

These regulatory matters were discussed and held to April 30,

1987 for possible consideration: R82-14, RACT III, Heatset Web Offset; R82-27, -36, -83-37, Procedural Rules, Part 104; R84-29, Mine Rule Amendments; R84-45, Gifford-Hill; R85-20, New Source Review Rule.

A hearing was authorized, if not already held, in amended petition #86-47, Fedders-USA, by a vote of 6-0.

In new cases these actions were taken by a vote of 6-0: ##87-41, Ekco Glaco Corporation v. EPA, additional information requested, **Order by Mr. Dumelle**; 87-42, Illinois Department of Transportation, Mr. and Mrs. Leonard Lavin, **Chairman authorized to sign the permit document and to prepare an Order**; 87-44, Arlington Park Racetrack v. EPA, additional information requested, **Order by Mr. Forcade**; 87-45, Illinois Department of Transportation, Chicago Park District, **Chairman authorized to sign the permit document and to prepare an Order**; 87-47, City of Belvidere v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle**; R87-10, New Source Performance Standards, **Resolution and Order by Mr. Dumelle**; R87-11, New Source Performance Standards, **Resolution and Order by Mr. Dumelle**; R87-12, Schrock Site-Specific, accepted for publication and hearing authorized.

Hearings were authorized in these Administrative Citations by a vote of 6-0: ##87-17, Milo Lambert and Charles Fitzpatrick; 87-18, City of Sterling.

These Administrative Citations were received by the Board: ##87-30, Normal Holzhauser; 87-31, Normal Holzhauser; 87-32, Carl Hendricks; 87-33, Village of Washington Park; 87-34, Village of East Alton; 87-35, C. Don Victorson; 87-36, Laidlaw Waste Systems, Inc.; 87-37, National Stockyards Company.

Minutes of the April 1, 1987 Board Meeting were approved by a vote of 6-0.

By a vote of 6-0 the Board approved a meeting schedule for FY 88 which will be announced in the Board's Environmental Register.

A discussion of Lake Michigan Permit Procedures with representatives of the Illinois Environmental Protection Agency, Illinois Department of Transportation and the Army Corps of Engineers was held in the Board's Conference Room 11-512 at 2:00 p.m.

All other matters not disposed of as listed were ordered held until April 30, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 30~~th~~ day of April, 1987 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 16, 1987 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

- 83-163 Bittle (RF)_____
- 85-88 Richard Nauman (JD)_____
- 85-154 Modine Manufacturing, Board Order regarding briefing
schedule (RF)_____
- * 86-22) American Steel Container (JA)(due 4/30)_____
- 86-23)
- * 87-5 Village of Montgomery (JA)(due 4/30)_____
- * 87-9 Village of Plainfield (JA)(due 5/14)_____
- 87-32 IDOT, Wilmette Harbor, Agency comments (4/15)

- R82-27) Procedural Rules, Part 102, Adoption Order (JTM)
- R82-36) _____
- R83-37)
- R82-27) Procedural Rules, Part 103, Adoption Order (JTM)
- R82-36) _____
- R83-37)
- R85-14 PWS Radium and Fluoride, Second First Notice (JA)

- R86-27 UIC Update Closing of docket (no amendments through
12/31/86)(JA)_____
- R86-28 RCRA Update, Order (post-filing typo correction)(JA)

- R86-34 Municipal Waste Incineration, Proposed Rule, Second
Notice (RF)_____

*INDICATES VARIANCE OR PERMIT APPEAL

AC DECISIONS

87-5 Everett Allen_____

87-15 Leo Prasm_____

87-19 Earl R. Bradd_____

MOTIONS

84-45) Waste Management - motion to extend time for response
84-61) (4/14)(JA)_____

84-68) _____

85-136 Navem Patel - motion to strike Complainant's closing
brief (4/8)_____

85-155) Interstate - withdrawal of permit appeals (4/3)
86-19) _____

86-24) City of Yorkville - motion for modification (3/12)(JM)
87-33) _____

86-44 Continental Grain - motion for reconsideration (3/24);
response to motion for reconsideration (4/3); motion to
file instanter; reply to response to motion for
reconsideration (4/9)_____

86-77 Commonwealth Edison - agreed motion to dismiss (4/9)
(BF)_____

86-205 Schrock - motion for reconsideration (4/9)(BF)

86-225 Geneva - Agency motion to file Recommendation Instanter
(4/9)(JA)_____

87-16 Lockport - Agency motion to file Recommendation
Instanter (4/2)(RF)_____

87-22 City of Carterville - Agency motion for leave to file
Recommendation Instanter (4/13)(JD)_____

87-29 John Ash - motion re exhibit reproduction (4/7); motion
for specification of errors (4/7)(BF)_____

87-34 A.R.F. - Lake County motion for joinder (4/10),
Petitioner's motion to exclude Lake County (4/10),
Respondent's motion in support of joinder of Lake County
as a party Respondent (4/13)_____

MOTIONS: (Cont'd)

87-36 Peter Valessares - motion to dismiss (4/7), response
(4/15)_____

R86-10 Pharmaceutical Industry - motion to vacate Order of
August 28, 1986 (JD)_____

DISCUSSIONS:

79-145 Celotex Corporation (JD)_____

85-4 John Eilrich (RF)_____

85-219 City of Watseka CSC (JD)_____

85-222 S.D. of Elgin CSO (JTM)_____

* 86-31 Acme Barrel (RF)(Due 4/30)_____

86-79 John Prior (JM)_____

* 87-16 City of Lockport (RF)(due 6/11)_____

* 87-22 City of Carterville (JD)(due 6/25)_____

REGULATORY DISCUSSIONS:

R82-14 RACT III, Heatset Web Offset, First Notice (BF)

R82-27) Procedural Rules, Part 104, (JTM)
R82-36)
R83-37) _____

R84-29 Mine Rule Amendments, Proposed Rule, Second Notice (RF)

R84-45 Gifford-Hill, Second Notice (JA)_____

R85-20 New Source Review Rule (JD)_____

AMENDED PETITIONS:

86-47 Fedders-USA (filed 4/9)_____

NEW CASES:

87-41 Ekco Glaco Corp. v. EPA _____
87-42 IDOT, Mr. & Mrs. Leonard Lavin (JD) _____
87-43 IDOT, Winnetka Park District (JD) _____
87-44 Arlington Park Racetrack v. EPA (BF) _____
R87-10 New Source Performance Standards (JD) _____
R87-11 New Source Performance Standards (JD) _____
R87-12 Schrock Site-Specific _____

AC APPEALS:

** 87-17 Milo Lambert and Charles Fitzpatrick _____
** 87-18 City of Sterling _____

NEW AC FILINGS:

87-30 Norman Holzhauser _____
87-31 Norman Holzhauser _____
87-32 Carl Hendricks _____
87-33 Village of Washington Park _____
87-34 Village of East Alton _____
87-35 C. Don Victorson _____
87-36 Laidlaw Waste Systems, Inc. _____
87-37 National Stockyards Company _____

MINUTES:

April 1, 1987 _____

APPROVAL OF FY 88 MEETING SCHEDULE:**1987**

July 16
August 6, 20
September 3, 17
October 1, 15, 29
November 19
December 3, 17

1988

January 7, 21
February 4, 25
March 10, 24
April 7, 21
May 5, 19
June 2, 16, 30

2:00 P.M.

Discussion of Lake Michigan Permit Procedure with representatives of IEPA, IDOT and Army Corps of Engineers in Board Conference Room 11-512.

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
82-101 Browning-Ferris (JD)
83-49 Alton Packaging (RF)(open waiver)
83-55)
83-132 Dunn Company (BF)
84-64 Rodger Diamond (BF)
84-93 S.C. Industries (BF)
84-124 Overnite Trucking (BF)
85-19 Monsanto (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 8/1)
* 85-190 Sours Grain (JD)(open waiver)
* 85-209 Village of Carol Stream (RF)(due 11/30)
85-218 City of Belleville CSO (JD)
85-224 Aurora S.D. CSO (BF)
86-4 City of Morris CSO (JD)
86-6 City of Wood River CSO (JD)
86-50 Chicago Steel (JD)
86-56 Trilla Steel Drum (JD)
* 86-150 American Hoechst (JM)(open waiver)
* 86-174 IBP, Inc. (JM)(due 8/1)
* 86-185 Citizens Utilities (JA)(due 7/31)
* 86-213 City of South Beloit (JM)(due 6/25)
* 86-222 Vickory Manor (JM)(due 6/11)
* 86-223 Morton Thiokol (JTM)(due 5/28)
* 86-225 City of Geneva (JA)(due 5/28)
* 87-12 Emergency Technical Services (JM)(due 5/28)
* 87-15 Honeywell, Inc. (BF)(due 9/4)
* 87-37 City of Oglesby (JD)(due 7/20)
* 87-40 Commonwealth Edison (JM)(due 7/28)