

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
FEBRUARY 25, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #83-49, Alton Packaging, by a vote of 7-0. J. Theodore Meyer concurred. (RF)

An Order was adopted in #85-4, John Eilrich, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #86-174, IBP, Inc., by a vote of 7-0. (JD)

An Opinion and Interim Order was adopted in #86-193, City of Freeport, by a vote of 7-0. J. Theodore Meyer concurred. (JM)

An Opinion and Order was adopted in #87-157, Frantz Manufacturing, by a vote of 7-0. (JTM)

A hearing was authorized in #88-33, City of Elmhurst, by a vote of 7-0.

An Opinion and Order was adopted in #87-187, Cellu-Craft (Bellwood Plant), by a vote of 7-0. (RF)

An Opinion and Order was adopted in #87-188, Cellu-Craft (Palatine Plant), by a vote of 7-0. (RF)

A Proposed Rule, Second Notice Order was adopted in R83-23, Tuscola Site-Specific, by a vote of 7-0. J. Dumelle concurred. (JM)

An Order dismissing the docket and incorporating the proceedings into the Board's new docket R88-7, was adopted in R84-17(A),(B),(C),(D), Landfill Regulations, by a vote of 7-0. (JA)

An Order dismissing the docket and incorporating the proceedings into the Board's new docket R88-7, was adopted in R84-22(D), Financial Assurance, by a vote of 7-0. (JA)

By a vote of 7-0, a docket was opened for the purpose of directing the staff of the Board to prepare a draft census proposal in proper regulatory format in R88-8, Census Section (21(d) Facilities. (JA)

A Proposed Rule, First Notice, Proposed Opinion and Order were adopted in R88-7, Landfill Regulations, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #87-67, National Can

Corporation, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #87-98, Lustour Corporation, by a vote of 7-0. (RF)

A Proposed Rule, Second First Notice, Proposed Opinion and Order was adopted in R84-45, Cretex Site-Specific, by a vote of 7-0. (JA)

An Opinion and Order was adopted in R87-12, Schrock Particulate, by a vote of 7-0. (JM)

A Proposed Rule, First Notice, Order was adopted in R87-38, Air Self-Monitoring, by a vote of 7-0. (JD)

A Proposal for Public Comment, Opinion and Order was adopted in R87-39, RCRA Update (July 1, 1987 through December 31, 1987), by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##87-130, Bath, Inc.; 87-131, Principia College; 87-132, Joseph Thomas; 87-134, H & L Disposal Company; 88-1, City of Anna; 88-2, City of Metropolis; 88-3, Central Illinois Disposal; 88-4, W.W. Sanitation.

Agency motion to stay was granted in #AC 87-93, Russell Noel, by a vote of 7-0. (JD)

An Order directing the Tazewell County Health Department or the State's Attorney of Tazewell County to reply to Respondent's motion for reconsideration, or, if appropriate, amend the complaint was adopted in #AC 87-116, Grimms Landfill, by a vote of 7-0. (JD)

Agency motion to amend the Administrative Citation was granted in #AC 88-5, Charles T. Rhodes, by a vote of 7-0. (JD)

Petitioner's motion to withdraw was granted in #85-179, Camsco Produce, by a vote of 7-0. (JTM)

Agency motion to strike was granted in #85-190, Sours Grain, by a vote of 7-0. (JD)

Petitioner's motion to amend its Compliance Schedule in #85-203, City of Farmington, was construed as an amended petition and the Agency's motion requesting additional time in which to review Petitioner's Amended Compliance Plan and prepare a formal Agency Recommendation was granted until March 15, 1988, by a vote of 7-0. (JD)

Petitioner's motion for extension of time in #86-165, City of Ottawa, was granted until March 16, 1988, by a vote of 7-0. (JA)

Petitioner's motion to modify a March 19, 1987 Board Order was granted in #86-207, Village of Lemont, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JTM)

Petitioner's motion to withdraw was granted in #87-15, Honeywell, by a vote of 7-0. (BF)

Respondent's motion for default against John Barton was granted in #87-19, Tammsco, by a vote of 7-0. (JD)

Petitioner's motion to reconsider was denied in #87-75, Waste Management, by a vote of 5-2. J. Anderson and J. Theodore Meyer dissented. (RF)

Agency motion for leave to file instanter its Recommendation was granted in #87-107, Lake County Public Works, by a vote of 7-0. (JTM)

Petitioner's motion for leave to withdraw its petition was granted in #87-116, Industrial Services, by a vote of 7-0. (JA)

Petitioner's motion for leave to withdraw petition was granted in #87-148, Industrial Services, by a vote of 7-0. (JD)

Petitioner's motion for leave to file instanter its brief was granted in #87-149, -199, 88-9, USI Chemicals Company, by a vote of 7-0. (JD)

Agency motion to appeal a Hearing Officer's Order was granted and the Hearing Officer was instructed to reschedule the March 2, 1988 hearing in #87-180, Lawrence Brothers, by a vote of 6-1. J. Marlin dissented. (JA)

Motion to strike and dismiss petition to revoke certification of Pollution Control Facility was denied and a hearing was authorized in #87-209, Reed-Custer, by a vote of 7-0. (JD)

Agency motion to file instanter its Recommendation was granted in #88-11, City of Geneva, by a vote of 7-0. (MN)

Agency motion to dismiss was denied in #88-14, Minnesota Mining, by a vote of 7-0. (BF)

Motion to dismiss was denied and a hearing was authorized in #88-16, Hinsdale Golf Club, by a vote of 5-2. Messrs. R. Flemal and J. Theodore Meyer dissented and J. Marlin concurred. (JD)

Due to an objection received, a hearing was authorized in #88-18, Village of Sauget, by a vote of 7-0. (JD)

Request for an extension of time to file the County record in #88-24, Wayne County Board, was granted until March 17, 1988, by a vote of 7-0. (BF)

These cases were discussed and held to March 10, 1988 for possible consideration: #85-101, Capital Engineering; 86-161, Elizabeth Street Foundry; 87-207, Bloomington and Normal Sanitary District.

Agency motion to file instanter its Recommendation was granted in #87-207, Bloomington and Normal Sanitary District, by a vote of 7-0. (JM)

These regulatory matters were discussed and held to March 10, 1988 for possible consideration: R82-1(B), Opacity; R85-20, New Source Review; R86-31, CIPS.

Agency motion for leave to appeal a Hearing Officer Order was denied in #87-124, -125, Modine Manufacturing, by a vote of 7-0. (JD)(Thereafter Chairman Dumelle left the meeting to speak at a Solid Waste Conference in Des Plaines and the remainder of the meeting was chaired by Board Member Joan Anderson)

In amended petitions these actions were taken by a vote of 6-0: #87-183, Container Corporation, Petitioner's motion for leave to file instanter its brief was granted and a hearing was authorized, Order by R. Flemal; 87-185, Jefferson Smurfit, Petitioner's motion for leave to file instanter its brief was granted and a hearing was authorized, Order by R. Flemal; 88-2, Dow Chemical Company, additional information requested, Order by B. Forcade; 88-8, Mobil Chemical Company, additional information requested, Order by B. Forcade; 88-32, SCA Chemical, 120 day decision time clock restarted with its filing.

In new cases these actions were taken by a vote of 6-0: #88-34, Waste Management v. EPA, hearing authorized, Order by B. Forcade; 88-35, Allied Tube and Conduit Corporation v. EPA, hearing authorized, Order by B. Forcade; 88-36, EPA v. Mervis Industries, Inc., hearing mandatory; 88-37, Village of Lake Villa v. EPA, additional information requested, Interim Order by J. Anderson; 88-38, Taracorp Industries v. EPA, provisional variance granted, Opinion and Order by J. Dumelle; 88-39, Waste Management of Illinois v. McHenry County Board, hearing authorized, Order by B. Forcade; 88-40, Illinois Department of Transportation, Michael Cohen, Chairman authorized to sign the permit document and to prepare an Order.

All other matters not disposed of as listed were ordered held to March 10, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 10th day of March, 1988 by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 25, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 83-49 Alton Packaging (RF)(open waiver)_____
- 85-4 John Eilrich, Order (RF)_____
- 86-174 IBP, Inc. (JD)_____
- 86-193 City of Freeport (JM)_____
- * 87-67 National Can Corp. (JD)(due)_____
- * 87-98 Lustour Corp. (RF)(due)_____
- * 87-157 Frantz Manufacturing (JTM)(due 3/24)_____
- * 87-187 Cellu-Craft (Midwest)(RF)(due 3/24)_____
- * 87-188 Cellu-Craft (Pallatine)(RF)(due 3/24)_____
- R83-23 Tuscola Site-Specific, Proposed Rule, Second Notice
Order (JM)_____
- R84-17 Landfill Regulations, Dismissal Order (JA)
(A,B,C,D) _____
- R84-22 Financial Assurance, Dismissal Order (JA)
(D) _____
- R84-45 Cretex Site-Specific, Proposed Rule, Second First Notice
(JA)_____
- R87-12 Schrock Particulate, Opinion and Order (JM)

* INDICATES VARIANCE OR PERMIT APPEAL
** INDICATES ADMINISTRATIVE CITATION APPEAL

DECISIONS: (Cont'd)

- R87-38 Air Self-Monitoring, Proposed Rule, First Notice, Order
(JD)_____
- R87-39 RCRA Update (July 1, 1987 through December 31, 1987),
Proposal for Public Comment, Opinion and Order (JA)

- R88-7 Landfill Regulations, Proposed Rule, First Notice,
Proposed Opinion and Order (JA)_____
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AC DECISIONS:

- 87-130 Bath, Inc. _____
- 87-131 Principia College _____
- 87-132 Joseph Thomas _____
- 87-134 H & L Disposal Company _____
- 88-1 City of Anna _____
- 88-2 City of Metropolis _____
- 88-3 Central Illinois Disposal _____
- 88-4 W.W. Sanitation, Inc. _____
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AC MOTIONS:

- 87-93 Russell Noel - Agency motion to Stay (2/8)

- 87-116 Grimms Landfill - motion for reconsideration (2/11)

- 88-5 Charles T. Rhodes - Agency motion to amend
Administrative Citation (2/8)_____
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MOTIONS:

- 85-179 Camsco Produce - Petitioner's motion to withdraw
(2/11)(JTM)_____
- 85-190 Sours Grain - Agency motion to Strike (2/10)(JD)

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MOTIONS: (Cont'd)

- 85-203 City of Farmington - motion to amend Compliance Schedule (2/11)(JD)
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- 86-165 City of Ottawa - motion for reconsideration/extension of time (2/16)(JA)
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- 86-207 Village of Lemont - motion to modify March 19, 1987 Board Order (1/22), Agency response to motion to modify (1/28)(JTM)
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- 86-224 General Tire - motion for reconsideration (1/21)(BF)
-
- 86-225 City of Geneva - Petitioner's motion for correction and reconsideration of February 4, 1988 Board Order (JA)
-
- 87-15 Honeywell - withdrawal of petition (2/9)(BF)
-
- 87-19 Tammsco - motion for default (1/20)(JD)
-
- 87-75 Waste Management - motion to reconsider (1/21), response to motion to reconsider (2/5), Petitioner's reply to response to motion to reconsider (2/16), motion to strike Petitioner's reply (2/17), response to motion to strike Petitioner's reply (2/22)(RF)
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- 87-107 Lake County Public Works - Agency motion for leave to file Recommendation Instanter (2/10)(JTM)
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- 87-116 Industrial Services - Petitioner's motion for leave to withdraw petition for variance (2/22)(JA)
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- 87-124 Modine Manufacturing - Agency motion for leave to file Interlocutory appeal of Hearing Officer Order, Interlocutory Appeal of Hearing Officer Order and request for Stay (2/23)
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- 87-125 Modine Manufacturing - Agency motion for leave to file Interlocutory appeal of Hearing Officer Order, Interlocutory Appeal of Hearing Officer Order and request for Stay (2/22)
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- 87-133 McLean County - motion to reconsider and alternatively for Stay of decision (2/24)(JTM)
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- 87-148 Industrial Services - Petitioner's motion for leave to withdraw petition (2/22)
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MOTIONS: (Cont'd)

- 87-149) USI Chemicals - motion for leave to file Brief Instanter
87-199) and Brief on Procedural Issues (2/23) _____
88-9)
- 87-180 Lawrence Brothers - Agency motion to appeal Hearing
Officer Order (2/17) _____
- 87-209 Reed-Custer - motion to strike and dismiss petition to
revoke Certification of Pollution Control Facility and
Memorandum in support (1/26), Petitioner's Brief as
ordered by Board Order of January 7, 1988 (1/26), Reply
Memorandum of Commonwealth Edison in opposition to the
Petition to revoke Certification of Pollution Control
Facility (2/1), Petitioner's Reply Brief as ordered by
Board Order of January 7, 1988 (2/1)

- 88-11 City of Geneva - Agency motion to file Recommendation
Instanter (2/19)(MN) _____
- 88-14 Minnesota Mining - Agency motion to dismiss (2/3),
response (2/16) _____
- 88-16 Hinsdale Golf Club - motion to dismiss (2/1)(See also
Hinsdale response dated 2/17 and Kochanski response
dated 2/18))(JD) _____
- 88-18 Village of Sauget - Objection (2/11)(currently awaiting
Agency Recommendation) _____
- 88-24 Wayne County Board - request for extension of time to
file County record (2/19)(BF) _____
- 88-25 Modine Manufacturing - Objection (2/17)(currently
awaiting an amended petition) _____
- R82-14 Allied Tube & Conduit - motion for modification of
December 22, 1987 Opinion and Order (1/26), Agency
response (2/16)(BF) _____
- R86-18 Generic RACT - motion for reconsideration (2/11), Agency
motion to strike and Agency's response to motion for
reconsideration (2/24)(JM)

DISCUSSIONS:

- 85-101 Capital Engineering (MN) _____
- 86-161 Elizabeth Street Foundry (JD) _____

DISCUSSIONS: (Cont'd)

- * 87-207 Bloomington & Normal S.D. (JM)(due 6/2)(See also Agency motion to file Agency Recommendation Instanter filed (2/22))_____
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REGULATORY DISCUSSIONS:

- R82-1 Opacity, Proposed Rule, Second Notice (JD)
(B) _____
- R85-20 New Source Review, Final Order (JD)_____
- R86-31 CIPS, Proposed Rule, Second Notice Opinion and Order
(JM)_____
- R88-5 Procedural Rules, Part 102 (JTM)_____
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AMENDED PETITIONS:

- 87-183 Container Corporation (filed 2/23)(See also motion for leave to file Brief Instanter (2/23))_____
- 87-185 Jefferson Smurfit (filed 2/23)(See also motion for leave to file Brief Instanter (2/23))_____
- 88-2 Dow Chemical Company (filed 2/22)_____
- 88-8 Dow Chemical Company (filed 2/22)_____
- 88-32 SCA Chemical (filed 2/4)(Hearing authorized at February 4, 1988 Board Meeting)_____
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NEW CASES:

- 88-33 City of Elmhurst v. Elmhurst-Chicago Stone Company
(11:00 a.m.)_____
- 88-34 Waste Management v. EPA (BF)_____
- 88-35 Allied Tube and Conduit Corporation v. EPA

- 88-36 EPA v. Mervis Industries, Inc. _____
- 88-37 Village of Lake Villa v. EPA _____

NEW CASES: (Cont'd)87-38 Taracorp Industries v. EPA (Provisional Variance)(JD)
_____R88-8 Census of Section 21(d) Facilities (JA)
_____NEW AC CASES:88-6 Winnebago Reclamation Services, Inc.
_____88-7 PDC Services, Inc.
_____88-8 Everett Allen
_____88-9 Pekin Metro Landfill
_____88-10 Donald Jones
_____88-11 Roy Frietsch
_____88-12 Jackson County Landfill, Inc.
_____88-13 Ralph Johnson
_____88-14 Arthur Daniels
_____88-15 Buck Lewis
_____88-16 City of Quincy
_____88-17 ESG Watts, Inc.
_____MINUTES:February 4, 1988
_____February 11, 1988

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
* 83-55 Alton Packaging (RF)(open waiver)
84-83 Russell Perkinson (JM)
84-93 S.C. Industries (BF)
84-124 Overnite Trucking (BF)
* 84-136 Browning-Ferris (BF)(due 5/5)
85-18 Concentrate Corporation (JD)
85-19 Monsanto (BF)
* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
85-137 Fred Jurcak (Remand)(JD)(open waiver)
* 85-140 Citizens Utilities (JTM)(open waiver)
* 85-166 Citizens Utilities (JTM)(open waiver)
* 85-179 Camsco Produce Company (JTM)(due 2/25)
* 85-190 Sours Grain (JD)(open waiver)
* 85-203 City of Farmington (JD)(open waiver)
* 85-209 Village of Carol Stream (RF)(due 12/31)
85-213 Village of Western Springs (BF)
85-224 Aurora S.D. CSO (BF)
86-4 City of Morris, CSO (JD)
* 86-150 American Hoechst (JM)(open waiver)
* 86-185 Citizens Utilities (JA)(due 3/24)
* 86-187 The New Jersey Zinc (JD)(open waiver)
* 86-218 City of East Moline (JD)(open waiver)
* 87-7 Pearson Industries (BF)(open waiver)
87-10 Island Lake Water Company (JM)
* 87-15 Honeywell, Inc. (BF)(due 4/7)
87-19 Tammsco, Inc. (JD)
** 87-47 Chicago Heights Refuse (MN)
* 87-50 Pike County Sand & Gravel (JA)(due 5/19)
* 87-69 Village of Romeoville (JTM)(due 4/7)
87-71 City of Dixon CSO (RF)
* 87-107 Lake County Public Works (JTM)(due 4/7)
* 87-116 Industrial Services (JA)(due 4/7)
* 87-127 City of East Moline (BF)(due 8/1)
87-139 Browning-Ferris Industries (JD)
* 87-173 John Ash (RF)(due 5/19)
* 87-189 Printpack, Inc. (MN)(due 3/24)
* 87-190 Guardian Packaging (MN)(due 3/24)
* 87-198 County of Lake (RF)(due 4/21)
* 88-4 Village of Elburn (JTM)(due 4/21)
* 88-11 City of Geneva (MN)(due 5/5)
* 88-18 Village of Sauget (JM)(due 5/5)
* 88-24 Daubs Landfill (BF)(due 5/19)
* 88-27 Laidlaw Waste Systems (JM)(due 5/19)
* 88-30 Village of Ladd (RF)(due 6/2)