

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
APRIL 7, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and order was adopted in #86-4, City of Morris CSO, by a vote of 5-2. Messrs. B. Forcade and J. Marlin dissented.
(JD)

An Opinion and Order was adopted in #86-187, New Jersey Zinc, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #87-107, Lake County Public Works, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JTM)

An Opinion and Order was adopted in #87-161, Department of the Army, by a vote of 7-0. (RF)

A Proposed Rule, Second Notice, Order was adopted in R82-7, Alton Site-Specific, by a vote of 7-0. (JM)

An Interim Order was adopted in R85-27, Special Waste Categorization, by a vote of 7-0. (JA)

An Adopted Rule, Final Order, Opinion and Order was adopted in R86-10, Pharmaceutical VOC, by a vote of 7-0. JD)

Board Member J. Marlin presented a draft Opinion and Order in R86-18, Generic RACT. Motion to amend by J. Dumelle and seconded by R. Flemal lost by a 3-4 vote with J. Dumelle, R. Flemal and M. Nardulli for and J. Anderson, B. Forcade, J. Marlin and J. Theodore Meyer against. An Adopted Rule, Final Opinion and Order was then adopted by a vote of 4-3. Messrs. J. Dumelle, R. Flemal and M. Nardulli dissented. (JM)

A Proposed Rule, First Notice, Order was adopted in R87-6, Phosphorus Effluent Standard, by a vote of 7-0. (JA)

A Proposed Rule, First Notice, Order was adopted in R88-9, Reilly Tar and Chemical Company Site-Specific, by a vote of 7-0. (MN)

A Proposed Emergency Rule, Request for Public Comment, Proposed Opinion and Order was adopted in R88-12, Managing Tire Accumulations to Limit the Spread of the Asian Tiger Mosquito, by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred.
(JM)

A hearing was authorized in new case #88-54, Village of Riverside v. Edwin and Mary Susan Kozoyed, by a vote of 7-0.

Motion to consolidate with PCB 86-181 was denied in new case #88-54, Village of Riverside v. Edwin and Mary Susan Kozoyed, by a vote of 6-1. R. Flemal dissented. (BF)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-5, Charles T. Rhodes; 88-16, City of Quincy.

Motion to voluntarily dismiss was granted in #AC87-107, C.B. Roofing, by a vote of 7-0. (JD)

By a vote of 7-0, Respondent's motion for leave to withdraw the Petition for Review in #AC87-123, ESG Watts, was granted and unless already paid, Respondent was ordered to pay a penalty of \$2,000.00 within 30 days. (JD)

Agency motion to file an amended Administrative Citation was granted in #AC88-15, Buck Lewis, by a vote of 7-0. (JD)

Motion for additional time to respond to a Board Order was granted until April 14, 1988 in #85-190, Sours Grain, by a vote of 5-2. J. Anderson and R. Flemal dissented. (JD)

Petitioner's motion to withdraw the appeal in #87-28, Borden, was granted by a vote of 7-0. (JD)

Respondent's motion for leave to file Instanter its motion to Strike and Surreply Brief was granted in #87-139, Browning-Ferris, by a vote of 7-0. (JD)

Agency motion to file Instanter its Permit Record was granted in #87-159, Outboard Marine Corporation, by a vote of 7-0. (JD)

Joint motion to modify a March 24, 1988 Board Order was granted in #87-189, Printpack, by a vote of 7-0. (MN)

Complainant's motion for an extension of time in which to respond to Respondent's motion to dismiss was granted until April 14, 1988 in #87-191, Moss-American, by a vote of 7-0. (JD)

An Order clarifying a March 24, 1988 Board Order regarding final filings in #88-24, Daubs Landfill, was adopted by vote of 6-0. B. Forcade abstained. (JTM)

An Order granting the parties leave to file on or before April 22, 1988 appropriate documents or affidavits to support the allegations contained in Respondent's motion to dismiss and Complainant's response in opposition to Respondent's motion to dismiss in #88-36, Mervis Industries, was adopted by a vote of 7-0. (JA)

By a vote of 7-0, motion for leave to file an amicus curiae brief by the People of McHenry County in #88-39, Waste Management, was granted solely with respect to criteria 2 and 3 for the reasons discussed and conditions contained in the Board's Order of March

24, 1988 in this case. (JA)

Agency motion for leave to file Instantter its Record in #88-50, Cabot Corporation, was granted by a vote of 7-0. (JD)

Agency request to withdraw its Regulatory Proposal in R83-20, Sangamon River Basin, was granted by a vote of 7-0. (JD)

These cases were discussed and held to April 21, 1988 for possible consideration: ##83-132, Dunn Company; 85-18, Concentrate Corporation; 88-4, Village of Elburn; 88-27, Laidlaw Waste Systems.

These regulatory matters were discussed and held to April 21, 1988 for possible consideration: R82-1(B), Opacity; R85-29, Disinfection; R86-3, North Shore Sanitary District; R86-30, Shell Oil Site-Specific.

In new cases these actions were taken by a vote of 7-0: ##88-57, Reilly Tar and Chemical Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-58, Quantum Chemical Corporation, USI Division v. EPA, hearing authorized and Agency directed to file with the Board, as soon as possible, any notice list it may have developed during the process of issuing the permit, **Order by B. Forcade**; 88-59, Sonoco Products Company (Rockton Facility) v. EPA, hearing authorized, **Order by B. Forcade**; 88-60, Sonoco Products Company (Rockton Facility) v. EPA, additional information requested, **Order by B. Forcade**; 88-61, Motor Wheel Corporation v. EPA, provisional variance granted, J. Dumelle and J. Anderson concurred, **Opinion and Order by J. Marlin**; 88-62, Motor Wheel Corporation v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 88-63, Village of Forrest v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 88-64, Village of Pecatonica v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 88-65, Safety-Kleen Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-66, Illinois Department of Transportation, Winnetka Park District, **Docket opened to allow the Board additional time to review the project**; R88-11, Pretreatment Update (April 1, 1987 through December 31, 1987), Proposal for Public Comment, **Proposed Opinion and Order by J. Marlin**; R88-12, Managing Tire Accumulations to Limit the Spread of the Asian Tiger Mosquito, Emergency Rule, **Proposed Opinion and Order (See Decisions)**.

These Administrative Citations will be set for hearing: ##88-19, City of Alton; 88-23, J & R Landfill, Inc.; 88-24, Bi-State Disposal.

These Administrative Citations were received by the Board: ##88-26, Wayne Berger; 88-27, City of Belvidere; 88-28, Central Illinois Disposal Company.


Minutes of the March 24 and March 28, 1988 Board Meetings were approved by a vote of 7-0.

By a vote of 7-0, an Agency motion for leave to file Instanter its brief in #84-136, Browning-Ferris, was granted and Petitioner was granted until April 8, 1988 to file its reply brief. (BF)

The Board will hold a Special Meeting on Friday, April 15, 1988 at 9:30 am. in the Board Room of the Metropolitan Sanitary District of Greater Chicago, 100 E. Erie Street to receive testimony on the Board's Proposed Emergency Rule in R88-12, Managing Tire Accumulations to Limit the Spread of the Asian Tiger Mosquito.

All other matters not disposed of as listed were ordered held to April 21, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 21st day of April, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 7, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 86-4 City of Morris CSO (JD) _____
- * 86-187 New Jersey Zinc (BF)(open waiver) _____
- * 87-107 Lake County Public Works (JTM)(due) _____
- * 87-161 Dept. of the Army (RF)(due 8/31) _____
- R82-7 Alton Site-Specific, Proposed Rule, Second Notice,
Opinion and Order (JM) _____
- R85-27 Special Waste Categorization, "Protocol" Order (JA)

- R86-10 Pharmaceutical VDC, Adopted Rule, Final Order, Opinion
and Order(JD) _____
- R86-18 Generic RACT, Adopted Rule, Final Opinion and Order (See
also motion for correction by Allsteel, Inc. filed 3/30
and Agency's motion in response to Allsteel's motion for
correction filed 4/5)(JM)

- R87-6 Phosphorus Effluent Standard, Proposed Rule, First
Notice, Order (JA) _____
- R88-9 Reilly Tar & Chemical Company Site-Specific, Proposed
Rule, First Notice, Order (MN) _____
- R88-12 Managing Tire Accumulations to Limit the Spread of the
Asian Tiger Mosquito, Emergency Rule, Proposed Opinion
and Order (JM) _____

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

AC DECISIONS:

- 88-5 Charles T. Rhodes _____
88-16 City of Quincy _____
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AC MOTIONS:

- 87-107 C.B. Roofing - motion to voluntarily dismiss (4/1) _____
87-123 ESG Watts - Respondent's motion for leave to withdraw
Petition for Review (3/28) _____
88-15 Buck Lewis - Agency motion to file an amended
Administrative Citation (3/25) _____
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MOTIONS:

- 83-49 Alton Packaging - motion for reconsideration and
rehearing (3/31)(RF) _____
85-136 Navem Patel - motion subsequent to a final Order et al.
(3/31)(BF) _____
85-190 Sours Grain - motion for additional time to respond to
Board Order (3/31), Agency response in opposition to
Petitioner's motion for additional time to respond to
Board Order (4/6)(JD) _____
85-224 Aurora Sanitary District - motion to postpone ruling
(4/5)(RF) _____
87-28 Borden - Petitioner's motion to withdraw Appeal (3/28) _____
87-139 Browning-Ferris - motion for leave to file motion to
Strike and Surreply Brief Instanter (3/24)(JD) _____
87-159 Outboard Marine - Agency motion to file Permit Record
Instanter (3/24) _____
87-189 Printpack - joint motion to modify March 24, 1988 Board
Order (4/1)(MN) _____
87-191 Moss-American - Respondent's motion to dismiss (3/30) _____
88-24 Daubs Landfill - Board Order (JTM) _____

MOTIONS: (Cont'd)

- 88-36 Mervis Industries - motion to dismiss or in the alternative to dismiss Count I or Stay Proceedings on Count I of Complaint (3/9), Agency response to motion to dismiss (3/22)(JA) _____
- 88-39 Waste Management - motion to file an Amicus Curiae Brief by the People of McHenry County (3/31)(JA) _____
- 88-50 Cabot Corporation - Agency motion for leave to file Record Instanter (4/5) _____
- 883-20 Sangamon River Basin - Agency request to withdraw Regulatory Proposal (3/28)(JD) _____

DISCUSSIONS:

- 83-132 Dunn Company (BF) _____
- 85-18 Concentrate Corporation (See also Agency motion for leave to file a First Amended Complaint dated 3/30)(JD) _____
- * 88-4 Village of Elburn (JTM)(due 4/21) _____

REGULATORY DISCUSSIONS:

- 882-1 Opacity, Proposed Rule, Second Notice, Proposed Opinion and Order (JD) _____
- 885-29 Disinfection, Proposed Rule, Second Notice, Opinion and Order (RF) _____
- 886-3 North Shore Sanitary District Site-Specific, Opinion and Order (BF) _____
- 886-30 Shell Oil, Proposed Rule, First Notice, Proposed Opinion and Order (JTM) _____

NEW CASES:

- 88-54 Village of Riverside v. Edwin and Mary Susan Kozoyed (11:00 a.m.)(See also Complainant's letter/motion to consolidate with PCB 86-181 and Respondent's objection to motion to consolidate (3/28), Complainant's reply to objection, etc. (4/6)) _____

NEW CASES: (Cont'd)

- 88-57 Reilly Tar & Chemical Corp. v. EPA (BF)

- 88-58 Quantum Chemical Corporation, USI Division v. EPA (BF)

- 88-59 Sonoco Products Company (Rockton Facility) v. EPA (See
also motion for Stay)

- 88-60 Sonoco Products Company (Rockton Facility) v. EPA (BF)

- 88-61 Motor Wheel Corporation v. EPA (Provisional Variance)
(JD)

- 88-62 Motor Wheel Corporation v. EPA (Provisional Variance)
(JD)

- 88-63 Village of Forrest v. EPA (Provisional Variance) (JD)

- 88-64 Village of Pecatonica v. EPA (Provisional Variance) (JD)

- 88-65 Safety-Kleen Corporation v. EPA

- R88-11 Pretreatment Update (April 1, 1987 through December 31,
1987), Proposal for Public Comment, Proposed Opinion and
Order (JM)

- R88-12 Managing Tire Accumulations to Limit the Spread of the
Asian Tiger Mosquito, Emergency Rule, Proposed Opinion
and Order (JM)

AC APPEALS:

- 88-19 City of Alton

- 88-23 J & R Landfill, Inc.

- 88-24 Bi-State Disposal, Inc.

NEW AC CASES:

- 88-26 Wayne Berger

- 88-27 City of Belvidere

NEW AC CASES: (Cont'd)

88-28 Central Illinois Disposal Company _____

MINUTES:

March 24, 1988 _____

March 28, 1988 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
 * 83-55 Alton Packaging (RF)(open waiver)
 84-83 Russell Perkinson (MN)
 84-93 S. C. Industries (BF)
 84-124 Overnite Trucking (BF)
 * 84-136 Browning-Ferris (BF)(due 5/5)
 85-19 Monsanto (BF)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (Remand)(JD)
 * 85-140 Citizens Utilities (JTM)(open waiver)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 * 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 CSO (BF)
 85-224 Aurora Sanitary District CSO (RF)
 86-147 CIPS (Remand)(JD)(open waiver)
 * 86-150 American Hoechst (JD)(open waiver)
 86-197 Daubs Landfill (Remand)(JTM)
 * 86-218 City of East Moline (JD)(open waiver)
 * 87-7 Pearson Industries (MN)(open waiver)
 87-10 Island Lake Water Company (MN)
 87-19 Tammsco, Inc. (JD)
 ** 87-47 Chicago Heights Refuse (MN)
 * 87-50 Pike County Sand & Gravel (JTM)(due 7/31)
 * 87-69 Village of Romeoville (JTM)(due 7/12)
 87-71 City of Dixon CSO (RF)
 * 87-127 City of East Moline (BF)(due 8/1)
 87-139 Browning-Ferris Industries (JD)
 * 87-173 John Ash (RF)(due 5/19)
 * 87-194 Transcraft Corporation (MN)(due 5/5)
 * 87-198 County of Lake (RF)(due 5/5)
 * 87-206 C. S. Norcross (JD)(due 5/5)
 * 88-11 City of Geneva (MN)(due 5/5)
 * 88-18 Village of Sauget (JM)(due 6/16)
 * 88-24 Daubs Landfill (JTM)(due 5/19)
 * 88-27 Laidlaw Waste Systems (JM)(due 5/19)
 * 88-37 Village of Lake Villa (JA)(due 6/30)
 * 88-39 Waste Management (JA)(due 6/16)
 * 88-42 Village of Channahon (JA)(due 6/30)
 * 88-43 Alexander County Board (MN)(due 6/30)
 * 88-52 City of Ottawa CSO (RF)