

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MAY 5, 1988 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present.

An Opinion and Order was adopted in #84-136, Browning-Ferris, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #85-190, Sours Grain, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #87-173, John Ash, by a vote of 7-0. J. Anderson and J. Theodore Meyer concurred. (RF)

An Opinion and Order was adopted in #87-194, Transcraft Corporation, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #87-198, County of Lake, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

An Opinion and Order was adopted in #87-206, C.S. Norcross, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #88-11, City of Geneva, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

An Opinion and Order was adopted in #88-28, Amoco Chemicals, by a vote of 6-1. J. Theodore Meyer dissented. (RF)

Chairman J. Dumelle presented a draft Proposed Rule, Second Notice, Proposed Opinion and Order in R82-1(B), Opacity. Motion to amend by B. Forcade and seconded by M. Nardulli lost by a 2-5 vote with B. Forcade and M. Nardulli for it and J. Dumelle, J. Anderson, R. Flemal, J. Marlin and J. Theodore Meyer against. A Proposed Rule, Second Notice, Proposed Opinion and Order was then adopted by a vote of 6-1. B. Forcade dissented. (JD)

A Proposed Rule, Second Notice, Order was adopted in R85-29, Disinfection, by a vote of 7-0. J. Dumelle concurred. (RF)

A Proposed Rule, First Notice, Opinion and Order was adopted in R88-8, Waste Disposal Site Census, by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-17, ESG Watts; 88-25, James L. Watts.

Motion for leave to withdraw Petition for Review was granted in #AC87-28, Bi-State Disposal, by a vote of 7-0. (JD)

Motion for reconsideration and rehearing was denied in #83-49, Alton Packaging, by a vote of 7-0. (RF)

Motion to modify a May 9, 1986 Board Order was granted in #85-212, Village of Morton, by a vote of 7-0. J. Dumelle concurred. (RF)

An Order construing Petitioner's April 6, 1988 letter as a motion to withdraw a previous motion for modification was adopted in #87-111, Howard Spurgeon, by a vote of 7-0. (JM)

Agency motion to amend its Recommendation in #87-127, City of East Moline, was ordered taken with case.

Petitioner's motion to clarify issues in #87-131, Amerock Corporation, was referred to the Hearing Officer for disposition.

Petitioner's motion to dismiss was granted in #87-156, Allied-Hastings, by a vote of 7-0. (BF)

Respondent's motion for clarification in #87-191, Moss-American, was referred to the Hearing Officer for disposition.

Motion to dismiss or in the alternative to dismiss Count I or Stay proceedings on Count I of the Complaint was denied in #88-36, Mervis Industries, by a vote of 7-0. J. Marlin concurred. (JA)

Agency motion for leave to file Instanter its Recommendation was granted in #88-37, Village of Lake Villa, by a vote of 7-0. (JA)

These cases were discussed and held to May 19, 1988 for further discussion or decision: ##87-10, Island Lake Water Company; 88-15, Mid-City Lithographers; 88-24, Daubs Landfill; 88-27, Laidlaw Waste Systems.

These regulatory matters were discussed and held to May 19, 1988 for further discussion or decision: R87-1, John Deere Site-Specific; R87-18, Midwest Grain Site-Specific; R87-27, Chicago Canal System.

In amended petitions these actions were taken by a vote of 7-0: ##88-2, Dow Chemical Company, hearing authorized, **Order by B. Forcade**; 88-8, Mobil Chemical Company, hearing authorized, **Order by B. Forcade**.

In new cases these actions were taken by a vote of 7-0: ##88-70, City of LaSalle CSO, held to May 19, 1988 Board Meeting; 88-74, Acme Barrel Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-76, Allsteel, Inc. v. EPA, hearing authorized, **Order by J. Dumelle**; 88-77, Stepan Company v. EPA, hearing authorized, **Order by J. Dumelle**; 88-78, Abbott Laboratories v. EPA, additional information requested, **Order by J. Dumelle**; 88-79,

R.R. Donnelley & Sons Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-80, Sours Grain Company v. EPA, additional information requested, **Order by J. Dumelle**; 88-81, McIntosh, Ltd. v. EPA, additional information requested, **Order by J. Anderson**; 88-82, Derby Meadows Utilities, Inc. v. EPA, Provisional Variance granted, **Opinion and Order by J. Dumelle**; R88-14, Abbott Laboratories Site-Specific, amended proposal requested, **Order by J. Dumelle**.

Minutes of the April 21 and April 26, 1988 Board Meetings were approved by a vote of 7-0.

Motion to withdraw Petition for Review was granted in #AC87-125, Merle Buerkett, by a vote of 7-0. (JD) (Thereafter the meeting was adjourned until 2:15 p.m.)

P.M. SESSION

The Board reconvened at 2:15 p.m.

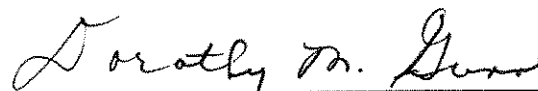
In new case #88-83, Village of Coal City v. EPA, these actions were taken: an Order construing Petitioner's May 5, 1988 motion for an expedited hearing as a motion for an expedited decision was adopted by a vote of 7-0 (**Order by J. Dumelle**) and the petition was held for an Agency Recommendation.

Pursuant to notice given, at 2:30 p.m. oral comments on Resolution 88-1 adopted January 21, 1988 were received from five lawyers who have practiced before the Board. Questions from the Board and staff were answered by the commenters.

There being no further business the meeting was adjourned at 4:30 p.m.

All other matters not disposed of as listed were ordered held to May 19, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 19th day of May, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 5, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 84-136 Browning-Ferris (BF)(due)_____
- * 85-190 Sours Grain (See also motion for leave to withdraw
petition filed 5/3)(JD)(open waiver)_____
- * 87-173 John Ash (RF)(due 5/19)_____
- * 87-194 Transcraft Corporation (MN)(due)_____
- * 87-198 County of Lake (RF)(due)_____
- * 87-206 C.S. Norcross (JD)(due)_____
- * 88-11 City of Geneva (MN)(due)_____
- 88-28 Amoco Chemicals (RF)_____
- R82-1 Opacity, Proposed Rule, Second Notice, Proposed Opinion
(B) and Order (JD)_____
- R85-14 Public Water Supplies Restricted Status Amendments,
Dismissal of Proposal, Opinion and Order (JA)

- R85-29 Disinfection, Proposed Rule, Second Notice, Order (RF)

- R88-8 Waste Disposal Site Census, Proposed Rule, First Notice,
Opinion and Order (JA)_____

AC DECISIONS:

- 88-17 ESG Watts, Inc. _____

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

AC DECISIONS: (Cont'd)88-25 James L. Watts _____
_____AC MOTIONS:87-28 Bi-State Disposal - motion for leave to withdraw
Petition for Review (4/28) _____
_____MOTIONS:83-49 Alton Packaging - motion for reconsideration and
rehearing (3/31), Agency response to motion for
reconsideration and rehearing (5/3)(RF) _____85-212 Village of Morton - motion to modify May 9, 1986 Board
Order (4/11), Agency response to motion to modify
(4/21)(RF) _____86-58) Village of Sauget - motion to extend Stay (4/28)
86-63) _____86-185 Citizens Utilities - motion for rehearing and
modification of Order (4/27)(JA) _____87-111 Howard Spurgeon - Board Order (JM) _____87-127 City of East Moline - Agency motion to amend Agency
Recommendation (5/2)(BF) _____87-131 Amerock Corporation - Petitioner's motion to clarify
issues (5/4)(JM) _____87-156 Allied-Hastings - Petitioner's motion to dismiss (4/21)
(BF) _____87-191 Moss-American - Respondent's motion for clarification
(5/2) _____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), Complainant's response to Board Order
(4/26), Respondent's response to Board Order (4/26)(JA)
_____88-37 Village of Lake Villa - Agency motion for leave to file
Recommendation Instanter (5/4)(JA) _____88-60 Sonoco - Objection (4/25) _____

MOTIONS: (Cont'd)

R86-31 CIPS - motion for reconsideration (4/21)(JM)

DISCUSSIONS:

87-10 Island Lake Water Company (MN) _____

88-15 Mid-City Lithographers (JM) _____

* 88-24 Daubs Landfill (JTM)(due 6/2) _____

REGULATORY DISCUSSIONS:

R87-1 John Deere, Proposed Rule, First Notice (JTM)

R87-18 Midwest Grain Site-Specific, Proposed Rule, First Notice
 (JD) _____

R87-27 Chicago Canal System, Adopted Rule, Final Opinion and
 Order (RF) _____

AMENDED PETITIONS:

88-2 Dow Chemical Co. (filed 4/22) _____

88-8 Mobil Chemical Co. (filed 4/22) _____

NEW CASES:

88-70 City of LaSalle CSO _____

88-74 Acme Barrel Company v. EPA (BF) _____

88-76 Allsteel, Inc. v. EPA _____

88-77 Stepan Company v. EPA _____

88-78 Abbott Laboratories v. EPA _____

88-79 R.R. Donnelley & Sons Company v. EPA _____

88-80 Sours Grain Company v. EPA _____

NEW CASES: (Cont'd)

- 88-81 McIntosh, Ltd. v. EPA _____
 - 88-82 Derby Meadows Utilities, Inc. v. EPA (Provisional
 Variance)(JD) _____
 - R88-14 Abbott Laboratories Site-Specific _____
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MINUTES:

- April 21, 1988 _____
- April 26, 1988 _____

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)
84-122 Acme Solvent (JD)
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 12/15)
85-213 Village of Western Springs CSO (BF)
85-224 Aurora Sanitary District CSO (RF)
* 86-150 American Hoechst (JD)(open waiver)
86-161 Elizabeth Street Foundry (JD)
86-197 Daubs Landfill (Remand)(JTM)
* 86-218 City of East Moline (JD)(open waiver)
* 87-7 Pearson Industries (MN)(open waiver)
87-19 Tammsco, Inc. (JD)
** 87-47 Chicago Heights Refuse (MN)
* 87-50 Pike County Sand & Gravel (JTM)(due 7/13)
* 87-69 Village of Romeoville (JTM)(due 6/30)
87-71 City of Dixon CSO (RF)
** 87-100 Village of Rantoul (JA)
* 87-124 Modine Manufacturing (RF)(open waiver)
* 87-125 Modine Manufacturing (RF)(open waiver)
* 87-127 City of East Moline (BF)(due 12/1)
* 87-131 Amerock Corporation (JM)(open waiver)
* 87-136 Roadmaster Corporation (MN)(due 8/4)
87-139 Browning-Ferris Industries (JD)
* 88-17 Marley-Ingrid (BF)(due 10/6)
* 88-18 Village of Sauget (JM)(due 6/16)
* 88-27 Laidlaw Waste Systems (JM)(due 6/2)
* 88-37 Village of Lake Villa (JA)(due 6/30)
* 88-39 Waste Management (JA)(due 6/30)
* 88-42 Village of Channahon (JA)(due 6/30)
* 88-43 Alexander County Board (MN)(due 6/30)
* 88-47 Reilly Tar & Chemical (JA)(due 8/4)
* 88-52 City of Ottawa CSO (RF)