

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
JUNE 16, 1988 CHICAGO, ILLINOIS**

All Board Members were present.

An Order rejecting the Stipulation and Proposal for Settlement was adopted in #84-92, Richard Krohn, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #87-19, Tammsco, Inc., by a vote of 7-0. (JD)

An Opinion and Order was adopted in #87-181, Simkins Industries, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-27, Laidlaw Waste Systems, by a vote of 7-0. J. Anderson and J. Theodore Meyer concurred. (JM)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R85-11, Illinois-American Water Company, by a vote of 7-0. (JTM)

A Proposed Rule, Second Notice, Order was adopted in R87-22, CIPS, by a vote of 7-0. (JM)

A Final Order, Adopted Rule, Opinion and Order were adopted in R87-39, RCRA Update (July 1, 1987 through December 31, 1987), by a vote of 7-0. (JA)

An Adopted Rule, Final Opinion and Order was adopted in R88-10, Well Setback Acceptance Procedures, by a vote of 6-1. B. Forcade dissented. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-35, Laidlaw Waste Systems; 88-36, DeKalb County Landfill; 88-37, Streator Area Landfill; 88-38, Waste Limited; 88-39, Waste Limited; 88-40, Central Illinois Disposal; 88-41, James Esarey; 88-42, Winnebago Reclamation Services; 88-43, Environtech, Inc..

An Order was adopted pursuant to an Agency motion for continuance and request for stay in #AC 87-45, Glen Buelter and William DeJarnette, by a vote of 7-0. (JD)

An Order was adopted pursuant to an Agency motion to dismiss Clyde Gelderloos as a party respondent and requesting leave to amend the Petition by substituting Rochelle Disposal Services, in #AC 88-48, City of Dixon, by a vote of 7-0. (JD)

An Order was adopted pursuant to a motion for reconsideration or request for hearing in #84-124, Overnite Transportation, by a

vote of 7-0. (BF)

An Order was adopted pursuant to a second motion subsequent to entry of Final Order in #85-136, Navem Patel, by a vote of 7-0. (BF)

An Order directing the Hearing Officer to schedule a hearing at the earliest convenient date but no later than 60 days, was adopted in #86-43, -87-68, LTV Steel Company, by a vote of 7-0. (JD)

An Order was adopted pursuant to a joint motion to stay proceedings pending settlement and construing the motion as a 30-day pro tanto waiver of the statutory decision deadline, was adopted in ##87-149, -199, -88-9, USI Chemicals, by a vote of 7-0. (JD)

An Interim Order was adopted concerning the burdens of proof and standards of review in #87-185, Jefferson Smurfit, by a vote of 7-0. B. Forcade concurred. (RF)

Motion for reconsideration was granted and a new variance was issued in #88-4, Village of Elburn, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JTM)

An Order was adopted pursuant to a motion for expedited decision and an Agency motion to file Instanter in #88-42, Village of Channahon, by a vote of 7-0. (JA)

Motion to continue hearing was denied in #88-71, Allen Barry, by a vote of 7-0. (JM)

An Order granting an agreed motion for extension of time to respond to a May 5, 1988 Board Order was granted until July 20, 1988 and construing the motion as a 30-day pro tanto waiver of the statutory decision deadline, was adopted in #88-80, Sours Grain, by a vote of 7-0. (JD)

An Agency motion for extension of time to file its Recommendation was granted until July 8, 1988 in #88-84, Nutrasweet, by a vote of 7-0. (JD)

Petitioner's motion for leave to withdraw its amended petition for hearing and appeal in #88-32, SCA Chemical, was granted by a vote of 7-0. (BF)

An Order was adopted pursuant to a motion for expedited decision and a request for additional information concerning the combined radium level and the size of the pending subdivision development, in #88-83, Village of Coal City, by a vote of 7-0. (JM)

These cases were discussed and held to June 30, 1988 for further discussion or possible decision: ##84-93, S.C. Industries; 85-209, Village of Carol Stream; 85-224, Aurora Sanitary District

CSO; 86-218, City of East Moline; 87-7, Pearson Industries; 88-10, Pines Trailer, Corp.; 88-43, Alexander County Board; 88-83, Village of Coal City.

These regulatory matters were discussed and held to June 30, 1988 for further discussion or possible decision: R84-12, Trihalomethane PWS; R85-14, PWS Restricted Status; R85-29, Disinfection.

A Final Order, Adopted Rule, Opinion and Order were adopted in R88-11, Pretreatment Update (April 1, 1987 through December 31, 1987), by a vote of 7-0. (JA)

These actions were taken in amended petition #88-90, Borden Chemicals, by a vote of 7-0: motion to submit reduced number of attachments to petition granted and hearing authorized. (BF)

An Order was adopted in new case #88-96, Village of Western Springs, by a vote of 6-0. J. Anderson abstained. (JD)

In other new cases these actions were taken by a vote of 7-0: #88-97, Illinois Power Company (Clinton Power Station) v. EPA, hearing authorized, **Order by B. Forcade**; 88-98, IBP, Inc. v. EPA, hearing authorized, **Order by B. Forcade**; 88-99, Safety-Kleen Corp. (Elgin Facility) v. EPA, hearing authorized and motion to consolidate with PCB 88-65, Safety-Kleen, held pending an Agency response, **Order by B. Forcade**; 88-100, Village of Orangeville v. EPA, petition dismissed as inadequate, **Order by J. Dumelle**; 88-101, Village of Bluffs v. EPA, Provisional Variance granted, **Opinion and Order by J. Dumelle**.

These Administrative Citations will be set for hearing: #88-33, Bi-State Disposal; 88-34, J & R Landfill.

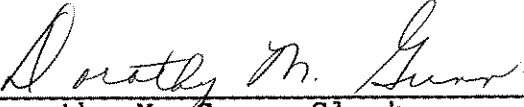
These Administrative Citations were received by the Board: #88-57, Steve Zimmerman; 88-58, Steve Zimmerman; 88-59, City of Rochelle.

Minutes of the June 2, 1988 Board Meeting were approved by a vote of 7-0.

In new case #88-102, Morton Thiokol, Inc. v. EPA, these actions were taken by a vote of 7-0: hearing authorized and Petitioner's motion to file a limited number of exhibits granted. (BF)

All matters not disposed of as listed were ordered held to June 30, 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 30th day of June, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 16, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

88-32 SCA Chemical Services - motion for leave to
withdraw (6/15)(BF)_____

NEW CASES:

88-102 Morton Thiokol, Inc. v. EPA (See also motion to
file limited attachments to petition)(Note: motion
will be filed 6/15 or early 6/16))_____

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
JUNE 16, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 84-92 Richard Krohn (JD) _____
- 87-19 Tammsco, Inc. (JD) _____
- * 87-181 Simkins Industries (RF)(open waiver) _____
- * 88-27 Laidlaw Waste Systems (JM)(due) _____
- R85-11 Illinois-American Water Company, Proposed Rule, First
Notice, Opinion and Order (JTM) _____
- R87-22 CIPS, Proposed Rule, Second Notice, Order (JM) _____
- R87-39 RCRA Update (July 1, 1987 through December 31, 1987),
Adopted Rule, Final Order (JA) _____
- R88-10 Well Setback Acceptance Procedures, Adopted Rule, Final
Opinion and Order (JA) _____

AC DECISIONS:

- 88-35 Laidlaw Waste Systems _____
- 88-36 DeKalb County Landfill _____
- 88-37 Streator Area Landfill _____
- 88-38 Waste Limited _____
- 88-39 Waste Limited _____
- 88-40 Central Illinois Disposal _____

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

AC DECISIONS: (Cont'd)

- 88-41 James Esarey _____
88-42 Winnebago Reclamation Services _____
88-43 Environtech, Inc. _____
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AC MOTIONS:

- 87-45 Glen Buelter & William DeJarnette - Agency motion for
general continuance pending Pressnall decision (6/13) _____
88-48 City of Dixon - Agency motion to dismiss Respondent
Clyde Gelderloos and to substitute Rochelle Disposal
Services (6/10) _____
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MOTIONS:

- 84-124 Overnite Transportation - motion for reconsideration or
request for hearing (5/26), supplemental information to
Respondent's motion for reconsideration or request for
hearing (6/13)(BF) _____
85-136 Navem Patel - second motion subsequent to entry of Final
Order (5/26)(BF) _____
86-43 LTV Steel - Board Order (JD) _____
87-149) USI Chemicals - motion to reconsider, stay or certify
87-199) question (4/29), joint motion to Stay proceedings
88-9) pending settlement (6/2) _____
87-185 Jefferson Smurfit - Interim Order (RF) _____
88-4 Village of Elburn - motion for reconsideration (5/26),
Agency response (6/10)(JTM) _____
88-18 Village of Sauget - motion for leave to file Supplement
to Recommendation Instanter (6/13)(JM) _____
88-42 Village of Channahon - Letter/motion for expedited
decision (6/6), Agency motion to file Recommendation
Instanter (6/10)(JA) _____
88-71 Allen Barry - motion to continue proceedings (5/23),
Agency response (6/1) _____

MOTIONS: (Cont'd)

- 88-80 Sours Grain - agreed motion for extension of time to respond to Board Order (6/10)(JD) _____
- 88-84 Nutrasweet Company - Agency motion for extension of time to file Recommendation (6/10) _____
- 886-18 Generic RACT - motion for withdrawal and reconsideration by Viskase Corporation (6/13)(JM) _____

DISCUSSIONS:

- 84-93 S. C. Industries (BF) _____
- * 85-209 Village of Carol Stream (RF)(due 12/15) _____
- 85-224 Aurora Sanitary District CSD (RF) _____
- * 86-218 City of East Moline (JD)(open waiver) _____
- * 87-7 Pearson Industries (MN)(open waiver) _____
- * 88-10 Pines Trailer Corp. (JM)(due 6/30) _____
- * 88-43 Alexander County Board (MN)(due 6/30) _____
- * 88-83 Village of Coal City (JM)(due 8/18) _____

REGULATORY DISCUSSIONS:

- 884-12 Trihalomethane PWS, Proposed Rule, First Notice (JD) _____
- 885-14 PWS Restricted Status, Dismissal Order (JA) _____
- 885-29 Disinfection, Adopted Rule, Final Order (RF) _____
- 888-11 Pretreatment Update, Adopted Rule, Final Opinion (JM) _____

AMENDED PETITIONS:

- 88-90 Borden Chemicals (filed 6/15)(See also motion to submit reduced number of attachments (6/15))(BF) _____

NEW CASES:

- 88-96 Village of Western Springs v. EPA (JD) _____
- 88-97 Illinois Power Company (Clinton Power Station) v. EPA
(BF) _____
- 88-98 IBP, Inc. v. EPA (BF) _____
- 88-99 Safety-Kleen Corporation (Elgin Facility) v. EPA (See
also motion to consolidate with PCB 88-65) (BF) _____
- 88-100 Village of Orangeville v. EPA _____
- 88-101 Village of Bluffs v. EPA (Provisional Variance) (JD) _____

AC APPEALS:

- 88-33 Bi-State Disposal _____
- 88-34 J & R Landfill _____

NEW AC CASES:

- 88-57 Steve Zimmerman _____
- 88-58 Steve Zimmerman _____
- 88-59 City of Rochelle _____

MINUTES:

June 2, 1988 _____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
* 83-55 Alton Packaging (RF)(open waiver)
84-83 Russell Perkinson (MN)
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)
* 85-203 City of Farmington (JD)(open waiver)
85-213 Village of Western Springs CSO (BF)
* 86-150 American Hoechst (JD)(open waiver)
86-161 Elizabeth Street Foundry (JD)
** 87-47 Chicago Heights Refuse (MN)
* 87-50 Pike County Sand & Gravel (JTM)(due 7/13)
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 7/13)
* 88-22 Deere & Company (JA)(due 9/22)
* 88-37 Village of Lake Villa (JA)(due 8/4)
* 88-39 Waste Management (JA)(due 8/4)
* 88-42 Village of Channahon (JA)(due 8/18)
* 88-47 Reilly Tar & Chemical (JA)(due 8/4)
88-52 City of Ottawa CSO (RF)
* 88-67 City of Highland (JM)(due 9/8)
* 88-69 Scott Air Force Base (JD)(due 9/8)