

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
SEPTEMBER 13, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #AC 88-51 (Docket B), Piolet Brothers, by a vote of 7-0. (RF)

An Opinion and Order was adopted in ##AC 88-76, -77 (Docket A and B), E & E Hauling, by a vote of 6-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #88-98, IBP, Inc., by a vote of 7-0. J. Anderson concurred. (BF)

An Opinion and Order was adopted in #89-25, Can-Am Industries, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #89-79, Joliet Army, by a vote of 6-1. B. Forcade dissented and J. Dumelle concurred. (MN)

An Opinion and Order was adopted in #89-83, American National Can, by a vote of 7-0. (BF)

An Opinion and Order was adopted in #89-84, Village of Yorkville, by a vote of 4-3. B. Forcade, J. Dumelle and J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #89-86, Village of Sauget, by a vote of 7-0. (BF)

In R87-2, Marathon Petroleum, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (BF)

In R89-3, RCRA Update, USEPA Regulations (August 1, 1988 through December 31, 1988), an Adopted Rule, Final Opinion and Order was adopted by a vote of 7-0. (JA)

In R89-7(A), Continuous Monitoring Rules, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JD)

J. Marlin presented a draft Opinion and Order in #89-103, Simkins Industries, which was held to September 28, 1989 for further consideration.

In R87-6, Phosphorus Effluent Standard, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 6-1. B. Forcade dissented. (JA)

In R88-30, Gasoline Volatility (Dockets A and B), a Proposed

Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JD)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-125, City of Chillicothe; 89-159, PDC Services, Inc.; 89-163, City of Chicago Heights et al.; 89-166, Leroy Brown and Sons; 89-169, Andrew Sales; 89-170, Donald and Catherine Bouthot; 89-172, Kent Feeds, Inc.; 89-173, Village of Rantoul.

By a vote of 7-0, an Agency motion to dismiss in #AC 87-93, Russell Noel, was denied as moot. (JM)

In #AC 88-116, Jesse Johnson, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-97, Russell Sinclair, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-99, City of Lewistown, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-140, Robert Norris, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-142, Mike Norris, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-146, Dr. David Pfeifer, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

In #AC 89-161, American Fly Ash, an Agency motion to withdraw complaint was granted by a vote of 7-0. (JM)

By a vote of 7-0, Complainant's motion for extension of time to respond to motion for summary judgment was granted until September 15, 1989 in #87-191, Lefton Iron and Metal. (JM)

J. Marlin presented a draft Order regarding the Stipulation and Proposed Settlement introduced at hearing in #88-199, Seegers Grain. The Order was adopted by a vote of 7-0. Motion by J. Theodore Meyer to rescind the vote and hold the Order to September 28, 1989 for further consideration was granted by a vote of 6-1. R. Flemal dissented.

Petitioner's motion to dismiss was granted in #88-3, Chemetco, by a vote of 7-0. (BF)

An Order allowing the Respondent to file on or before September 25, 1989, an appearance by its attorney and a response to Complainant's motion to compel, was adopted in #89-19, Sheridan South Condominiums, by a vote of 7-0. (JM)

Petitioner's motion to reconsider was denied in #89-28, Waste

Management, by a vote of 6-1. J. Anderson dissented and J. Marlin and J. Theodore Meyer concurred. (JD)

Respondent's motion to bifurcate hearing was denied in ##89-44, -87, Moline Corporation, by a vote of 7-0. (JTM)

These cases were discussed and held to September 28, 1989 for further discussion or possible decision: ##88-191, Testor Corporation; 89-92, Christian County Landfill.

These regulatory matters were discussed and held to September 28, 1989 for further discussion or possible decision: R84-12, Trihalomethanes; R88-19, Roadmaster Site-Specific; R88-26, Safe Drinking Water Act Regulations; R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988); R89-3, Pretreatment Regulations (July 1, 1988 through December 31, 1988). (Thereafter J. Dumelle left to attend a meeting)

In new cases these actions were taken by a vote of 6-0: ##89-138, Sam Dimaggio et al. v. Solid Waste Agency of Northern Cook County et al., accepted for hearing, Order by B. Forcade; 89-139, City of Chenoa v. EPA, held for an Agency Recommendation; 89-140, City of Minonk v. EPA, held for an Agency Recommendation; 89-141, American Nickeloid Company v. EPA, provisional variance granted, Order by J. Marlin; 89-142, Cherry Electrical Products v. EPA, provisional variance granted, Order by J. Marlin; 89-143, Croda Inks Corporation v. EPA, provisional variance granted, Order by J. Marlin; 89-144, City of Centralia v. EPA, provisional variance granted, Opinion and Order by J. Marlin; 89-145, Hydro-Line Manufacturing Company v. EPA, provisional variance granted, Order by J. Marlin; 89-146, City of Decatur v. EPA, provisional variance granted, Opinion and Order by J. Marlin.

Since Petitions for Review were received these Administrative Citations will be set for hearing: ##89-171, City of Paxton; 89-175, Stryker International; 89-187, Waste Hauling Landfill.

These Administrative Citations were received by the Board: ##89-198, General Iron Industries; 89-199, Burke's Hauling and Refuse.

Minutes of the August 31, 1989 Board Meeting were approved by a vote of 5-0. J. Marlin abstained.

All other matters not disposed of as listed were ordered held to September 28, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 28<sup>th</sup> day of September, 1989 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
SEPTEMBER 13, 1989 CHICAGO, ILLINOIS  
PCB CONFERENCE ROOM  
10:30 A.M.

DECISIONS:

85-137 Fred Jurcak (MN) \_\_\_\_\_

AC 88-51 Pielet Brothers' (RF) \_\_\_\_\_  
(B)

AC 88-76 E & E Hauling (JA) \_\_\_\_\_

AC 88-77 E & E Hauling (JA) \_\_\_\_\_

\* 88-98 IBP, Inc. (BF)(due) \_\_\_\_\_

\* 89-25 Can-Am Industries (BF)(due 9/28) \_\_\_\_\_

\* 89-79 Joliet Army (MN)(due) \_\_\_\_\_

\* 89-83 American National Can (BF)(due) \_\_\_\_\_

\* 89-84 Village of Yorkville (JM)(due) \_\_\_\_\_

\* 89-86 Village of Sauget (RF)(due) \_\_\_\_\_

89-103 Simkins Industries (JM) \_\_\_\_\_

R87-2 Marathon Petroleum, Adopted Rule, Final Opinion and  
Order (BF) \_\_\_\_\_

R87-6 Phosphorus Effluent Standard, Proposed Rule, Second  
Notice, Proposed Opinion and Order (JA)

R88-30 Gasoline Volatility (Dockets A and B), Proposed Rule,  
First Notice, Proposed Opinion and Order (JD)

\* INDICATES VARIANCE OR PERMIT APPEAL

**DECISIONS: (Cont'd)**

- R89-1 RCRA Update, USEPA Regulations (August 1, 1988 through December 31, 1988), Adopted Rule, Final Opinion and Order (JA)\_\_\_\_\_
- R89-7 Continuous Monitoring Rules, Proposed Rule, Second  
(A) Notice, Opinion and Order (JD)\_\_\_\_\_
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**AC DECISIONS:**

- 89-125 City of Chillicothe\_\_\_\_\_
- 89-159 PDC Services, Inc.\_\_\_\_\_
- 89-163 City of Chicago Heights, et al.\_\_\_\_\_
- 89-164 Kemp Manufacturing Company\_\_\_\_\_
- 89-166 Leroy Brown & Sons\_\_\_\_\_
- 89-169 Andrew Sales\_\_\_\_\_
- 89-170 Donald & Catherine Bouthot\_\_\_\_\_
- 89-172 Kent Feeds, Inc.\_\_\_\_\_
- 89-173 Village of Rantoul\_\_\_\_\_
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**AC MOTIONS:**

- 87-93 Russell Noel - Respondent's motion to dismiss  
(9/6)(Note: dismissed at 8/31 Board meeting pursuant to  
an Agency motion to dismiss)\_\_\_\_\_
- 88-116 Jesse Johnson - Agency motion to withdraw Complaint  
(9/8)\_\_\_\_\_
- 89-97 Russell Sinclair - Agency motion to withdraw Complaint  
and dismiss action (9/8)\_\_\_\_\_
- 89-99 City of Lewistown - Agency motion to withdraw Complaint  
(9/5)\_\_\_\_\_
- 89-132 Ray Schroeder - Respondent's motion to vacate July 27,  
1989 Board Order (9/11)\_\_\_\_\_
- 89-140 Robert Norris - Agency motion to withdraw Complaint  
(9/8)\_\_\_\_\_
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AC MOTIONS: (Cont'd)

- 89-142     Mike Norris - Agency motion to withdraw Complaint (9/8)
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- 89-146     Dr. David Pfeifer - Agency motion to withdraw Complaint (9/8)
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- 89-161     American Fly Ash - Agency motion to withdraw Complaint (9/5)
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MOTIONS:

- 85-218     City of Belleville - Petitioner's motion for modification of October 29, 1987 Order (8/7)(JD)
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- 87-183     Container Corporation - Petitioner's motion to reconsider (8/31)
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- 87-191     Lefton Iron & Metal - Complainants' motion for summary judgment (8/11), Respondents' objection to motion for summary judgment (8/16), Counterclaimant's motion for summary judgment (8/29), Respondents' cross-motion for summary judgment (8/29), Complainants motion for extension of time to respond to motion for summary judgment (8/31)
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- 88-16     Anthony Kochanski - Complainant's motion for reconsideration (8/16), Respondent's response to motion for reconsideration (8/22)(JM)
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- 88-44     Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)
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- 88-45     Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)
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- 88-46     Amoco Chemical - Petitioner's motion for withdrawal of petition for variance (9/12)
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- 88-199     Seegers Grain - Board Order (JM)
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- 89-3       Chemetco - Petitioner's motion to dismiss appeal (9/5)
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- 89-19     Daniel Lorden - motion to compel (Note: see H.O. letter to the Board dated 9/5)
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- 89-28     Waste Management - Petitioner's motion to reconsider (8/25)(JD)
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MOTIONS: (Cont'd)

- 89-44) Kathy Western - Respondent's motion to Bifurcate  
 89-87) hearing (9/1), Complainant's response to motion to  
 Bifurcate hearing (9/8), Complainant's motion for leave  
 to file Instanter (9/11) \_\_\_\_\_
- 89-78 Moline Corporation - Petitioner's motion for summary  
 judgment (9/8) \_\_\_\_\_
- 89-128 IBP, Inc. - Agency motion to dismiss (8/21), Petitioner's  
 response to Agency motion to dismiss (8/25) \_\_\_\_\_

DISCUSSIONS:

- \* 88-191 Testor Corporation (JTM)(due 9/28) \_\_\_\_\_
- 89-92 Christian County Landfill (JD)(due 9/28) \_\_\_\_\_

REGULATORY DISCUSSIONS:

- R84-12 Trihalomethanes, Proposed Rule, Second Notice (JD)  
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- R88-19 Roadmaster Site-Specific, Proposed Rule, Second Notice,  
 Proposed Opinion and order (BF) \_\_\_\_\_
- R88-26 Safe Drinking Water Act Regulations, Proposal for Public  
 Comment, Proposed Opinion and Order (JA)  
 \_\_\_\_\_
- R89-2 UIC Update, USEPA Regulations (July 1, 1988 through  
 December 31, 1988), Proposal for Public Comment,  
 Proposed Opinion and Order (JA)  
 \_\_\_\_\_
- R89-3 Pretreatment Regulations (July 1, 1988 through December  
 31, 1988), Adopted Rule, Final Opinion and Order (JM)  
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NEW CASES:

- 89-138 Sam Dimaggio et al. v. Solid Waste Agency of Northern  
 Cook County et al.(BF) \_\_\_\_\_
- 89-139 City of Chenoa v. EPA \_\_\_\_\_



**NEW CASES: (Cont'd)**

- 89-140 City of Minonk v. EPA \_\_\_\_\_
- 89-141 American Nickeloid Company v. EPA (Provisional Variance)  
(JM) \_\_\_\_\_
- 89-142 Cherry Electrical Products v. EPA (Provisional Variance)  
(JM) \_\_\_\_\_
- 89-143 Croda Inks Corporation v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_
- 89-144 City of Centralia v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_
- 89-145 Hydro-Line Manufacturing Company v. EPA (Provisional  
Variance)(JM) \_\_\_\_\_
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**AC APPEALS:**

- 89-171 City of Paxton \_\_\_\_\_
- 89-175 Stryker International \_\_\_\_\_
- 89-187 Waste Hauling Landfill \_\_\_\_\_
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**NEW AC CASES:**

- 89-198 General Iron Industries \_\_\_\_\_
- 89-199 Burke's Hauling and Refuse \_\_\_\_\_
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**MINUTES:**

August 31, 1989 \_\_\_\_\_

PENDING CASES ASSIGNED:

\* 83-55 Alton Packaging (RF)(open waiver)  
 \* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
 \* 85-166 Citizens Utilities (JTM)(open waiver)  
 86-56 Trilla Steel Drum (Remand)(JD)  
 86-161 Elizabeth Street Foundry (JD)  
 \* 86-180 The Ceco Corporation (BF)(open waiver)  
 87-89 Cargill (Remand)(JM)  
 87-93 Commonwealth Edison (RF)  
 \* 87-127 City of East Moline (BF)(due 9/28)  
 \* 87-131 Amerock Corporation (JTM)(open waiver)  
 87-139 Browning-Ferris (JD)  
 87-209 Commonwealth Edison Company (JA)  
 AS 88-2 Stepan Company(JM)  
 \* 88-25 Modine Manufacturing (JA)(open waiver)  
 88-36 Mervis Industries (JD)  
 AC 88-51 Piolet Brothers (RF)  
 \* 88-58 Quantum Chemical (BF)(due 1/11)  
 88-71 Allen Barry (BF)  
 AC 88-76 E & E Hauling (JA)  
 AC 88-77 E & E Hauling (JA)  
 AC 88-90 James Esarey (JM)  
 AC 88-93 City of Herrin (JM)  
 88-127 Koppers Company (JD)  
 \* 88-151 Citizens Utilities (RF)(due 3/8)  
 \* 88-172 Allied-Signal (MN)(due 10/18)  
 88-173 Village of Lake Zurich (JTM)  
 \* 88-195 McLean County Disposal (JTM)(open waiver)  
 88-199 Seegers Grain (JM)  
 88-207 Central Illinois Public Service (MN)  
 \* 89-5 Arco Products (RF)(due 1/25)  
 AC 89-10 Jim Landers (MN)  
 89-23 IDOT, Loyola University (RF)  
 89-29 Village of Fox River Grove (BF)  
 \* 89-41 Old Ben Coal (JA)(due 11/15)  
 \* 89-42 Old Ben Coal (JA)(due 11/15)  
 89-53 Lefton Iron & Metal (MN)  
 \* 89-66 Village of North Aurora (RF)(due 11/15)  
 89-64 Gallagher Blacktop (BF)  
 89-69 Klausung Tree Service (BF)  
 \* 89-102 Reilly Industries (JA)(due 11/2)  
 \* 89-104 Metropolitan Waste Systems (JD)(due 2/8)  
 \* 89-107 City of Geneva (JM)(due 11/2)  
 \* 89-108 McLean County Disposal (JTM)(due 11/15)  
 \* 89-121 Metropolitan Waste Systems (MN)(due 11/15)  
 \* 89-130 Village of Malta (JM)(due 12/6)  
 \* 89-131 City of Galva (MN)(due 12/20)