

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
FEBRUARY 26, 1986 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order were adopted in #84-118, Richard C. McCormick, by a vote of 6-1. Mr. Meyer dissented and Mrs. Anderson concurred. (WN)

An Interim Order was adopted in #84-124, Overnite Trucking, by a vote of 5-2. Messrs. Meyer and Nega dissented. (BF)

Opinions and Orders were adopted in these cases by a vote of 7-0: ##85-72, Carl H. Clark (WN); 85-132, General Fire Extinguisher (WN); 85-135, Michael Delaney (WN); 85-211, City of Marseilles CSO, Mr. Dumelle and Mrs. Anderson concurred (RF).

A Final Opinion and Order were adopted in R83-28(C), Liquid Hazardous Waste, by a vote of 7-0. (JM)

An Order to correct an error in the Second Notice Order in R84-28, Sulfur Limitations, was adopted by a vote of 7-0. (JD)

An Adopted Rule, Final Opinion and Order were adopted in R85-25, Vehicle Emissions, by a vote of 7-0. (JD)

Motion for sanctions for failure of complainant to comply with the November 11, 1985 hearing officer Order and motion to overrule the hearing officer order were denied in #79-145, Celotex, by a vote of 7-0. (BF)

An Order was adopted in #81-144, Marathon, by a vote of 7-0. (JD)

A joint motion to dismiss was granted in #83-122, Jennison-Wright, by a vote of 7-0. (BF)

A motion for dismissal was granted in #84-77, Olin, by a vote of 7-0. (BF)

Motions to dismiss were granted in #84-134, Woodstock Die, by a vote of 7-0. (JTM)

An Order was adopted in #85-128, City of Flora, by a vote of 6-0. Dr. Flemal abstained. (JD)

Motion for leave to file instanter a motion for stay was granted in #85-137, Fred Jurcak, by a vote of 4-3. Messrs. Forcade, Flemal and Marlin dissented. (JD)

Motion for leave to file instanter the Agency Recommendation was granted in #85-171, Electric Energy, by a vote of 7-0. (JM)

Motion to compel was granted in #86-8, Heckett, by a vote of 7-0. (JA)

Motion for leave to file instanter the Agency Record was granted in #86-15, DuPage Publications, by a vote of 7-0. (JD)

An Order was adopted in #86-18, Hillview Farms, by a vote of 7-0. (JA)

A motion by Mr. Forcade to amend the Order in #86-19, Interstate Pollution Control, passed by a vote of 6-1 with Mrs. Anderson dissenting. An amended Order was then adopted by a vote of 7-0. (JA)

These cases were discussed and held to March 14, 1986 for possible consideration: ##85-15, Bi-State Disposal; 85-44, -70, -130, DuPage Publications; 85-107, Pfizer-Pigments; 85-134, Illinois Department of Transportation, Dept. of the Army; 85-192, McHenry County; 85-210, City of Peoria CSO.

These regulatory matters were discussed and held to March 14, 1986 for possible consideration: R84-13, Union Oil Company; R86-8, Groundwater Plan.

In amended petitions these actions were taken by a vote of 7-0: ##85-182, City of Mendota, hearing authorized, **Order by Mr. Forcade**; 85-183, Village of Burlington, held for an Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: ##86-22, American Steel Container Company, Pail Shop v. EPA, additional information requested, **Order by Mr. Forcade**; 86-23, American Steel Container Company, Drum Shop v. EPA, additional information requested, **Order by Mr. Forcade**; 86-24, City of Yorkville v. EPA, held for an Agency Recommendation; 86-25, EPA v. Bates Graphic Industries, hearing mandatory; 86-26, EPA v. Forest Electric Company, hearing mandatory; 86-27, EPA v. Modine Manufacturing, hearing mandatory; 86-28, Greater Peoria Sanitary District v. EPA, provisional variance granted, **Opinion and Order by Mr. Nega**; R86-9, Hazardous Waste Prohibitions, docket opened and hearings authorized, **Order by Dr. Marlin**; R86-10, Agency Proposal to Amend 35 Ill. Adm. Code 211 and 215, accepted and hearing authorized.

A docket was opened and hearings authorized in new case R86-11, Liquid Hazardous Waste and USEPA HSWA Prohibitions, by a vote of 6-1. Mr. Meyer dissented. (JM)

Minutes of these Board Meeting dates were approved by a vote of 7-0: February 6 and February 14, 1986.

By a vote of 7-0 the Board decided to reschedule the regular meeting set for March 13 to March 14, 1986. A notice will be posted.

All matters not disposed of as listed were ordered held for possible consideration on March 14, 1986.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 14th day of March, 1986 by a vote of 7-0.

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 26, 1986 CHICAGO, ILLINOIS
SOIC AUDITORIUM
(Concourse Level)

DECISIONS:

- 84-118 Richard C. McCormick (WN) _____
- 84-124 Overnite Trucking (BF) _____
- 84-149) McHenry Consolidated School District (RF) _____
84-152)
84-153)
- * 85-35 Warner Brake (BF)(open waiver) _____
- 85-72 Carl H. Clark (WN) _____
- 85-132 General Fire Extinguisher (WN) _____
- 85-135 Michael Delaney (WN) _____
- 85-211 City of Marseilles, CSO (RF) _____
- R83-28 Liquid Hazardous Waste, Final Opinion and Order (JM)
(C) _____
- R84-28 Sulfur Limitations, error correction (JD) _____
- R85-25 Vehicle Emissions (JD) _____

MOTIONS:

- 79-145 Celotex - motion for sanctions for failure of complainant to comply with November 11, 1985 Order of the Hearing Officer (2/7), motion for Interlocutory appeal from hearing officer's October 7, 1985 Order, (2/24), motion to overrule the hearing officer order, (2/24), motion to deny sanctions (2/24)(BF) _____

***INDICATES VARIANCE OR PERMIT APPEAL**

MOTIONS: (Cont'd)

- 81-144 Marathon - Board Order - Status Report (JD)
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- 83-122 Jennison-Wright - joint motion to dismiss (2/24)(BF)
-
- 84-77 Olin Corporation - motion for dismissal (2/19)(BF)
-
- 84-134 Woodstock Die - Agency motion to dismiss (2/4), motion to dismiss (2/18)
-
- 85-128 City of Flora - Board Order (JD)
-
- 85-137 Fred Jurcak - motion to stay (1/24), Agency response to motion to stay (2/4), Agency amendment to response to stay (2/5), motion for leave to reply to motion to stay instanter (2/20)
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- 85-171 Electric Energy - motion for leave to file Recommendation Instanter (2/13), response (2/19)(JM)
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- 86-8 Heckett - motion to compel (2/20)
-
- 86-10 Bravo-Ernst - motion to dismiss (2/19)
-
- 86-15 DuPage Publications - motion for leave to file Agency Record Instanter (2/18)
-
- 86-18 Hillview Farms - motion to dismiss petition for review (2/6), Petitioner's response to Intervenor's motion to dismiss (2/13), Petitioner's supplemental memorandum in opposition to Intervenor's motion to dismiss petition for review (2/19), Intervenor's reply memorandum in support of Intervenor's motion to dismiss petition for review (2/25)(JA)
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- 86-19 Interstate Pollution Control - motion to consolidate (2/3), Agency response in opposition to motion to consolidate (2/10), motion for stay (2/3), Agency response in opposition to motion for stay (2/10), Agency motion to strike (2/10), Agency motion to dismiss (2/10), consolidated response to Agency motion to dismiss and objection to motion for stay, motion to consolidate and motion to strike (2/19), Agency motion for leave to file reply to petitioner's response to Agency motion to dismiss (2/21), motion for leave to file cross-reply (2/25)(JA)
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DISCUSSIONS:

- 85-15 Bi-State Disposal (WN) _____
- * 85-44) DuPage Publications (JD)(due 3/27) _____
85-700)
85-130)
- * 85-107 Pfizer-Pigments (RF)(due 3/13) _____
- 85-134 IDOT, Dept. of the Army (BF) _____
- * 85-192 McHenry County (JD)(due 3/13) _____
- 85-210 City of Peoria CSO (JM) _____
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REGULATORY DISCUSSIONS:

- R84-13 Union Oil Company, First Notice, Opinion and Order (JM) _____
- R86-8 Groundwater Plan (RF) _____
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AMENDED PETITIONS:

- 85-182 City of Mendota (filed 2/6) _____
- 85-183 Village of Burlington (filed (2/7) _____
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NEW CASES:

- 86-22 American Steel Container Company, Pail Shop v. EPA _____
- 86-23 American Steel Container Company, Drum Shop v. EPA _____
- 86-24 City of Yorkville v. EPA _____
- 86-25 EPA v. Bates Graphic Industries _____
- 86-26 EPA v. Forest Electric Company _____
- 86-27 EPA v. Modine Manufacturing Company, Inc. _____
- R86-9 Hazardous Waste Prohibitions (JM) _____

MINUTES:

February 6, 1986 _____

February 14, 1986 (Special Board Meeting) _____

MEETING DATE CHANGE:

March 13 to March 14 _____

PENDING CASES ASSIGNED:

78-139 Vickery Manor (BF)
80-151 Archer Daniels (JTM)
81-144 Marathon (JD)
82-101 Browning-Ferris (JA)
* 83-18 Modine Manufacturing (RF)(due 5/22)
* 83-26 Marathon Oil (BF)(open waiver)
* 83-29 Marathon Oil (BF)(open waiver)
83-60 Pierce Waste Oil (JM)
* 84-77 Olin Corporation (BF)(due 4/24)
84-93 S.C. Industries (BF)
84-125 Clairmont Trucking (BF)
* 84-134 Woodstock Die (JTM)(due 3/27)
84-161 L&S Industries (JD)
* 84-174 Classic Finishing (JM)(open waiver)
85-9 Landfill Emergency Action (JA)
* 85-14 Electric Energy (JA)(due 3/27)
85-19 Monsanto (BF)
* 85-95 Citizens Utilities (JTM)(due 4/10)
* 85-106 Village of Oswego (RF)(due 6/19)
* 85-119 Illinois Power (JD)(due 3/27)
* 85-126 Oasis Outdoor (JD)(open waiver)
85-129 Richard Termaat (JA)
85-139 City of Metropolis, CSO (JD)
* 85-141 Browning-Ferris (JM)(due 4/24)
* 85-145 Alton Packaging (JD)(due 3/27)
* 85-171 Electric Energy (JM)(due 4/24)
* 85-174 White County Board (RF)(due 4/10)
* 85-177) City of Columbia (JA)(due 3/27)
85-220)
85-223)
* 85-179 Camsco Produce (JTM)(due 5/8)
* 85-209 Village of Carol Stream (RF)(due 6/19)
* 85-217 City of Dixon (JA)(Due 4/24)
* 86-9 Trilla Steel Drum (JM)(due 4/10)