

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
OCTOBER 23, 1986 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present save for Mr. Nega who was ill.

An Interim Order was adopted in #80-21, Interstate Pollution Control, by a vote of 6-0. (JA)

An Opinion and Order were adopted in #81-144, Marathon Petroleum Company, by a vote of 6-0. (JD)

An Opinion and Order were adopted in #85-129, Richard Termaat, by a vote of 6-0. (JA)

A Final Order, Adopted Rule, Final Opinion and Order were adopted in R86-19, RCRA Update, by a vote of 6-0. (JA)

An Order was adopted in R86-25, Village of Tilton Site-Specific, by a vote of 6-0. (JM)

Motion for continuance in #84-92, Richard Krohn, was granted by a vote of 6-0. (JD)

Agreed motion to dismiss in #85-14, Electric Energy, was granted by a vote of 6-0. (JA)

An appeal of the Hearing Officer's ruling on discovery matters in #85-154, Modine Manufacturing, was denied by a vote of 6-0. (JA)

Motion for reconsideration was granted and a hearing was authorized in #86-10, Bravo-Ernst, by a vote of 6-0. Mr. Dumelle concurred. (BF)

Emergency motion for continuance in #86-32, City of Sycamore, was denied as moot by a vote of 6-0. (JD)

Agency motion to incorporate Record in #86-154, Illinois Power, was granted by a vote of 6-0. (JA)

Motion for reconsideration was granted and the Board's Interim Opinion and Order of September 11, 1986 affirmed in R82-14, RACT III, by a vote of 6-0. (BF)

Motion to withdraw without prejudice in R84-49, American Brick Company Site-Specific, was granted by a vote of 6-0. (JTM)  
These cases were discussed and held to November 6, 1986 for

possible consideration: #82-144, City of Galena; 85-84, Illinois Power; 85-219, City of Watseka CSO; 86-102, Ekco Products; 86-121, City of Joliet.

These regulatory matters were discussed and held to November 6, 1986 for possible consideration: R85-20, New Source Review Rule; R85-29, Disinfection.

By a vote of 6-0 these amended petitions were held for Agency Recommendations: #86-143, Frantz Manufacturing; 86-152, Chanute Air Force Base.

In new cases these actions were taken by a vote of 6-0: #86-170, Illinois Department of Transportation, John Straub and Wilber Legg, **Chairman authorized to sign permit document and to prepare an Order**; 86-171, Illinois Department of Transportation, Department of the Army at Fort Sheridan, **no action will be taken until permit is filed**; 86-172, Illinois Department of Transportation, Dr. Nader Bozorgi, **no action will be taken until permit is filed**; 86-173, Illinois Department of Transportation, Park District of Highland Park et al., **no action will be taken until permit is filed**; 86-174, IBP, Inc. v. EPA, held for an Agency Recommendation; 86-175, Illinois Department of Transportation, 1616 Sheridan Condominium Association, **Chairman authorized to sign permit document and to prepare an Order**; 86-176, Illinois Department of Transportation, Village of Winnetka, **Chairman authorized to sign permit document and to prepare an Order**; 86-177, Illinois Department of Transportation, Village of Winnetka, C.J. Bendy and S. Gilgore, **Chairman authorized to sign permit document and to prepare an Order**; 86-178, Illinois Department of Transportation, Chicago Park District, **Chairman authorized to sign permit document and to prepare an Order**; 86-179, City of Ottawa v. EPA, additional information requested, **Order by B. Forcade**; 86-180, The Ceco Corporation v. EPA, hearing authorized, **Order by J. Marlin**; 86-182, Kyanize Paints, Inc. v. EPA, hearing authorized and motion to appear Pro Hac Vice granted and motion for extension of hearing date referred to Hearing Officer for disposition, **Order by J. Anderson**; 86-183, Illinois Department of Transportation, Robert Schoelhorn, **Chairman authorized to sign permit document and to prepare an Order**; 86-184, EPA v. National Electroplating, Ltd., Allen G. Skjoldager and Albert Griffith, hearing mandatory; R86-47, NESHAPS, **Resolution and Order of the Board by J. Theodore Meyer.**

Minutes of the October 9, 1986 Board meeting were approved by a vote of 6-0. (Thereafter the meeting was adjourned until 1:30 p.m.)

**P.M. SESSION**

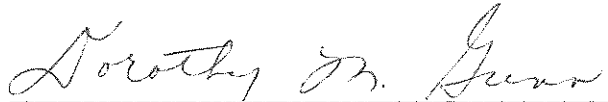
This regulatory matter was discussed and held to November 6, 1986 for possible consideration: R82-27, -36, 83-37, Procedural Rules.

Motion for disqualification of Board Member in R86-9, Hazardous Waste Prohibitions, was denied by a vote of 6-0. Mr. Meyer concurred. (JD)

An Emergency Rule, Opinion and Order, were adopted in R86-9, Hazardous Waste Prohibitions, by a vote of 4-2. Messrs. R. Flemal and B. Forcade dissented. (JD)

All other matters not disposed of as listed were ordered held to November 6, 1986 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 6<sup>th</sup> day of November, 1986 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
OCTOBER 23, 1986 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-036

**DECISIONS:**

- 80-21 Interstate Pollution Control (JD) \_\_\_\_\_
- 81-144 Marathon Petroleum Company (JD) \_\_\_\_\_
- 85-129 Richard Termaat (JA) \_\_\_\_\_
- R83-7 Stationary Noise, Proposed Rule, Second Notice Opinion  
and Order (JA) \_\_\_\_\_
- R86-9 Hazardous Waste Prohibitions, Emergency Rule (See motion  
to disqualify (10/6))(JD) \_\_\_\_\_
- R86-19 RCRA Update (JA) \_\_\_\_\_
- R86-25 Village of Tilton, Order (JM) \_\_\_\_\_
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**MOTIONS:**

- 79-145 Celotex - Celotex motion to the Board to dismiss with  
prejudice Counts I, II, III, and V of the Complaint  
(10/14), Agency's opposition to Celotex motion to the  
Board to dismiss with prejudice Counts I, II, III, and V  
of the Complaint (10/15), motion to Board to clarify  
sanctions of July 2, 1986 as they relate to the Philip  
Carey Company (10/17), motion to replace the Hearing  
Officer and to set schedule (10/21), Celotex motion for  
leave to file Reply Instanter (10/22), Celotex  
opposition to motion to the Board to clarify sanctions  
of July 2, 1986 as they relate to the Philip Carey  
Company (10/22) \_\_\_\_\_
- 83-49 Alton Packaging - Agency motion for an Order that  
hearing be scheduled and held (10/16) \_\_\_\_\_
- 83-163 Larry Bittle - request for oral argument (10/9)(RF)  
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**MOTIONS:** (Cont'd)

- 84-92 Richard Krohn - motion for continuance (10/21)  
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- 85-14 Electric Energy - agreed motion to dismiss (10/15)(JA)  
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- 85-154 Modine Manufacturing - appeal of Hearing Officer's ruling on discovery matters (10/9)  
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- 86-10 Bravo-Ernst - Board Order on reconsideration (BF)  
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- 86-32 City of Sycamore - emergency motion for continuance (10/14)  
\_\_\_\_\_
- 86-38 Williams Pipeline - Agency motion to strike affirmative defenses (10/14), Respondent's response to Agency motion to strike affirmative defenses (10/20)  
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- 86-109 Waste Management - motion to strike portions of Petitioner's Brief (10/17)(JM)  
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- 86-146 Abbott Laboratories - motion for reconsideration (10/16)(JD)  
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- 86-154 Illinois Power - Agency motion to incorporate Record (10/9), Petitioner's response to motion to incorporate Record (10/14)  
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- 86-163 Monsanto Company - motion for leave to supplement appeal of permit renewal denial (10/16)  
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- R82-14 RACT III - motion for reconsideration (10/2)(BF)  
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- R84-49 American Brick - motion to withdraw without prejudice (10/15)(JTM)  
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- R85-7 Central Illinois Light - motion for rehearing (10/16)(RF)  
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**DISCUSSIONS:**

- 82-144 City of Galena (JD)  
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- \* 85-84 Illinois Power (JD)(due 11/6)  
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- 85-219 Watseka CSO (JD)  
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- 86-102 Ekco Products (RF)  
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**DISCUSSIONS: (Cont'd)**

\* 86-121 City of Joliet (JA)(due 11/6)\_\_\_\_\_

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**REGULATORY DISCUSSIONS:**

R82-27) Procedural Rules (BF)\_\_\_\_\_

R82-36)

R83-37)

R85-20 New Source Review Rule, First Notice (JD)\_\_\_\_\_

R85-29 Disinfection (RF)\_\_\_\_\_

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**AMENDED PETITIONS:**

86-143 Frantz Manufacturing (Filed 10/16)\_\_\_\_\_

86-152 Chanute Air Force Base (Filed 10/10)\_\_\_\_\_

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**NEW CASES:**

86-170 IDOT, John Straub & Wilber Legg (JD)\_\_\_\_\_

86-171 IDOT, Department of the Army at Fort Sheridan (JD)

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86-172 IDOT, Dr. Nader Bozorgi (JD)\_\_\_\_\_

86-173 IDOT, Park District of Highland Park et al. (JD)

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86-174 IBP, Inc. v. EPA\_\_\_\_\_

86-175 IDOT, 1616 Sheridan Condominium Association (JD)

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86-176 IDOT, Village of Winnetka (JD)\_\_\_\_\_

86-177 IDOT, Village of Winnetka, C.J. Bendy & S. Gilgore (JD)

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86-178 IDOT, Chicago Park District (JD)\_\_\_\_\_

86-179 City of Ottawa v. EPA (BF)\_\_\_\_\_

86-180 The Ceco Corporation v. EPA\_\_\_\_\_

NEW CASES: (Cont'd)

86-181 Kenneth K. Getty v. Village of Riverside (11:00 a.m.  
November 6 Board Meeting)\_\_\_\_\_

86-182 Kyanize Paints, Inc. v. EPA (See motion to appear Pro  
Hac Vice and Motion for extension of hearing date  
(10/17))\_\_\_\_\_

86-183 IDOT, Robert Schoelhorn (JD)\_\_\_\_\_

R86-47 NESHAPS (JTM)\_\_\_\_\_

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MINUTES:

October 9, 1986\_\_\_\_\_

PENDING CASES ASSIGNED:

81-151 Dean Foods (BF)  
82-101 Browning-Ferris (JD)  
83-163 Larry Bittle (RF)  
\* 84-81 Nesco Steel Barrel (JTM)(due 1/22)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
84-125 Clairmont Trucking (BF)  
84-161 L&S Industries (JD)  
\* 85-14 Electric Energy (JA)(open waiver)  
85-19 Monsanto (BF)  
85-69 Maplehurst Farms (JM)  
85-88 Richard Nauman (JD)  
\* 85-138 North Shore Sanitary District (JA)(open waiver)  
\* 85-166 Citizens Utilities (RF)(open waiver)  
85-173 Majestic Wood (JD)  
\* 85-179 Camsco Produce (JTM)(due 11/20)  
85-202 Metropolitan S.D. CSO (JD)  
85-208 North Shore S.D. CSO (BF)  
\* 85-209 Village of Carol Stream (RF)(due 1/22)  
85-218 City of Belleville CSO (JD)  
85-222 S.D. of Elgin CSO (JTM)  
85-224 Aurora S.D. CSO (BF)  
86-1 City of Peru CSO (JTM)  
86-2 City of LaSalle CSO (JTM)  
86-3 City of Oglesby CSO (JA)  
86-6 City of Wood River CSO (JD)  
\* 86-9 Trilla Steel Drum (JM)(due 11/20)  
\* 86-12 Illinois Power (RF)(due 11/20)  
\* 86-48 Wells Manufacturing (RF)(due 2/19)  
86-50 Chicago Steel (JD)  
86-56 Trilla Steel Drum (JD)  
\* 86-91 Ekco Glaco Corporation (JM)(due 11/20)  
\* 86-109 Waste Management (JM)(due 11/20)  
\* 86-150 American Hoechst (JM)(open waiver)  
\* 86-165 City of Ottawa (JA)(due 1/22)