

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
NOVEMBER 6, 1986 CHICAGO, ILLINOIS

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

An Opinion and Order were adopted in #82-144, City of Galena, by a vote of 5-1. Mr. Meyer dissented and Mrs. Anderson and Dr. Marlin concurred. (JD)

An Interim Order was adopted in #84-149, Eastwood Manor, by a vote of 6-0. (RF)

An Opinion and Order were adopted in #86-12, Illinois Power, by a vote of 6-0. (RF)

An Opinion and Order were adopted in #86-102, Ekco Products, by a vote of 5-1. Mr. Meyer dissented. (RF)

An Opinion and Order were adopted in #86-121, City of Joliet, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

A Proposed Rule, First Notice, Proposed Opinion and Order were adopted in R85-29, Disinfection, by a vote of 6-0. Board Members J. Anderson, J. Dumelle, B. Forcade and J. Marlin concurred. (RF)

An Order authorizing a hearing in #78-135, Palos Park, was adopted by a vote of 6-0. (JD)

No action was taken by the Board on an October 16, 1986 Agency motion for an Order that hearing be scheduled and held in #83-49, Alton Packaging.

Request for oral argument in #83-163, Larry Bittle, was denied by a vote of 6-0. (RF)

An agreed motion to dismiss in #85-167, Commonwealth Edison, was granted by a vote of 6-0. (JD)

An agreed motion to dismiss in 85-168, Commonwealth Edison, was granted by a vote of 6-0. (JD)

Motion for leave to appeal Hearing Officer's orders denying discovery and setting a hearing date in #85-190, Sours Grain, was denied by a vote of 6-0. (JA)

An Order was adopted in #86-32, City of Sycamore, by a vote of 6-0. (JD)

Motion to file Agency Recommendation Instanter in #86-125, City

of Morris, was granted by a vote of 6-0. (JD)

Agency request for further time to file the Recommendation in #86-150, American Hoechst, was granted by a vote of 6-0. (JM)

Petitioner's motion to Board for sanctions and Agency motion to the Board to deny petition for hearing to contest permit denial were denied in #86-159, Joliet Sand and Gravel, by a vote of 6-0. (JA)

Motion for leave to supplement appeal of permit renewal denial in #86-163, Monsanto Company, was referred to the Hearing Officer for disposition.

A motion to withdraw petition for Site-Specific relief and to substitute three sets of alternative language filed by the Duo-Fast Corporation in R82-14, RACT III, was referred to the Hearing Officer for disposition.

These cases were discussed and held to November 20, 1986 for possible consideration: ##84-125, Clairmont Transfer; 85-88, Richard Nauman; 85-179, Camsco Produce; 86-91, Ekco Glaco; 86-109, Waste Management.

These regulatory matters were discussed and held to November 20, 1986 for possible consideration: R82-27, -36, 83-37, Procedural Rules; R85-20, New Source Review Rule; R85-21, VOC; R86-5, American Nickeloid.

In amended petitions these actions were taken by a vote of 6-0: ##86-140, Village of Villa Park, held for an Agency Recommendation; 86-158, Village of Elizabethtown, held for an Agency Recommendation; 86-162, John Deere Company, hearing authorized.

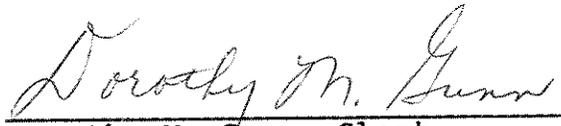
In new cases these actions were taken by a vote of 6-0: ##86-172, Illinois Department of Transportation, Dr. Nader Bozorgi, **Chairman authorized to sign permit document and to prepare an Order**; 86-181, Kenneth K. Getty v. Village of Riverside, accepted and hearing authorized; 86-185, Citizens Utilities Company v. EPA, held for an Agency Recommendation; 86-186, Velsicol Chemical Corporation v. EPA, hearing authorized; 86-187, New Jersey Zinc Company v. EPA, motion for leave to appear granted, **Order by Mrs. Anderson**; 86-188, City of Springfield v. EPA, hearing authorized, 86-190, Illinois Department of Transportation, Virginia Bederman, **no action will be taken until petition is filed**; 86-191, Illinois Department of Transportation, Richard Binder, **no action will be taken until petition is filed**; 86-192, Lee R. Siegfried v. Herman R. Beasley and Alexander County Board of Commissioners, hearing authorized, **Order by Mr. Forcade**; 86-194, Illinois Department of Transportation, South Shore Beach Apartments, **Chairman authorized to sign permit document and to prepare an Order**; 86-195, General Motors Corporation v. EPA, additional information requested,

**Order by Mr. Dumelle;** 86-196, Village of North Utica v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle;** 86-197, Rick Moore, Leonard Morris and Edith Simpson v. Wayne County Board and Daubs Landfill, Inc., additional information requested and hearing authorized, **Order by Mr. Forcade.**

Minutes of the October 23, 1986 Board meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to November 20, 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 20th 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  
NOVEMBER 6, 1986 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-036

DECISIONS:

- 82-144 City of Galena (JD) \_\_\_\_\_
- 84-149 Eastwood Manor, Interim Order (RF) \_\_\_\_\_
- 85-219 City of Watseka CSO (JD) \_\_\_\_\_
- \* 86-12 Illinois Power (RF)(due 11/20) \_\_\_\_\_
- 86-102 Ekco Products (RF) \_\_\_\_\_
- \* 86-121 City of Joliet (JA)(due) \_\_\_\_\_
- R83-7 Stationary Noise, Proposed Rule, Second Notice Opinion  
and Order (JA) \_\_\_\_\_
- R85-29 Disinfection, Proposed Rule, First Notice, Opinion and  
Order (RF) \_\_\_\_\_
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MOTIONS:

- 78-135 Palos Park - Board Order (JD) \_\_\_\_\_
- 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), Agency motion to Board to  
clarify sanctions of July 2, 1986 as they relate to the  
Philip Carey Company (10/17), Agency motion to the Board  
to replace Hearing Officer and to order a schedule set  
(10/21), Celotex motion for leave to file reply  
Instantner to opposition to Celotex motion to the Board  
to dismiss with prejudice Counts I, II, III, and V of  
the complaint (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), Agency  
opposition to Celotex motion for leave to file reply  
Instantner (10/27), Agency motion to the Board to strike  
Celotex opposition to motion to the Board to clarify  
sanctions of July 2, 1986 as they relate to the Philip  
Carey Company (10/27), Celotex opposition to motion to  
the Board to replace the Hearing Officer and to order a  
schedule set (10/31), Celotex opposition to motion to  
the Board to strike Celotex opposition to motion to the  
Board to clarify sanctions of July 2, 1986 as they  
relate to the Philip Carey Company (JD) \_\_\_\_\_

MOTIONS: (Cont'd)

- 83-49 Alton Packaging - Agency motion for an Order that hearing be scheduled and held (10/16), Petitioner's response to Agency motion to set hearing (11/5)
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- 83-163 Larry Bittle - request for oral argument (10/9)(RF)
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- 84-125 Clairmont Transfer - motion to voluntarily dismiss (10/24)(BF)
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- 85-167 Commonwealth Edison - agreed motion to dismiss (10/28)
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- 85-168 Commonwealth Edison - agreed motion to dismiss (10/28)
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- 85-190 Sours Grain - motion for leave to appeal Hearing Officer's Orders denying discovery and setting a hearing date (10/30)
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- 86-32 City of Sycamore - clarification Order (JD)
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- 86-38 Williams Pipeline - Agency motion to strike affirmative defenses (10/14), Respondent's response to Agency motion to strike affirmative defenses (10/20)(RF)
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- 86-53 Central Illinois Utility - Agency motion for leave to file motion for reconsideration Instanter (10/28)
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- 86-125 City of Morris - motion to file Agency Recommendation Instanter (10/27)
- 
- 86-146 Abbott Laboratories - motion for reconsideration (10/16)(JD)
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- 86-150 American Hoechst - Agency request for further time to file Recommendation (10/23)(JM)
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- 86-159 Joliet Sand & Gravel - Petitioner's motion to Board for sanctions (10/23), Agency motion to the Board to deny petition for hearing to contest permit denial (10/28), Petitioner's opposition to motion to the Board to deny petition for hearing to contest permit denial (11/3), supplement to Petitioner's motion to the Board for sanctions (11/5)
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- 86-163 Monsanto Company - motion for leave to supplement appeal of permit renewal denial (10/16)
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**MOTIONS: (Cont'd)**

- R82-14 RACT III - Duo-Fast motion to withdraw petition for Site-Specific relief and to substitute three sets of alternative language (10/29)(BF)
- R85-7 Central Illinois Light - motion for rehearing (10/16) (RF)
- R85-11 East St. Louis - motion to reopen the Record (10/28)(RF)

**DISCUSSIONS:**

- 84-125 Clairmont Transfer (BF)
- 85-88 Richard Nauman (JD)
- \* 85-179 Camsco Produce (JTM)(due 11/20)
- \* 86-91 Ekco Glaco Corp. (JM)(due 11/20)
- \* 86-109 Waste Management (JM)(due 11/20)

**REGULATORY DISCUSSIONS:**

- R82-27) Procedural Rules (BF)
- R82-36) (Site-Specific Regulation/Agency Proposal)
- R83-37)
- R85-20 New Source Review Rule, First Notice (JD)
- R85-21 VOC (RF)
- R86-5 American Nickeloid (BF)

**AMENDED PETITIONS:**

- 86-140 Village of Villa Park (filed 10/24)
- 86-158 Village of Elizabethtown (filed 10/27)
- 86-162 John Deere Company (filed 10/31)

**NEW CASES:**

- 86-172 IDOT, Dr. Nader Bozorgi (JD)\_\_\_\_\_
- 86-181 Kenneth K. Getty v. Village of Riverside (11:00 a.m.)  
\_\_\_\_\_
- 86-185 Citizens Utilities Company v. EPA\_\_\_\_\_
- 86-186 Velsicol Chemical Corp. v. EPA\_\_\_\_\_
- 86-187 New Jersey Zinc Company v. EPA\_\_\_\_\_
- 86-188 City of Springfield v. EPA\_\_\_\_\_
- 86-189 Sharon F. Rydzenski v. Aspen Enterprises (11:00 a.m.  
November 20, 1986)\_\_\_\_\_
- 86-190 IDOT, Virginia S. Bederman\_\_\_\_\_
- 86-191 IDOT, Richard Binder\_\_\_\_\_
- 86-192 Herman R. Beasley v. Alexander County Board of  
Commissioners\_\_\_\_\_
- 86-193 Bill Adkin et al. v. City of Freeport (11:00 a.m.  
November 20, 1986)\_\_\_\_\_
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**MINUTES:**

October 23, 1986\_\_\_\_\_

PENDING CASES ASSIGNED:

80-21 Interstate Pollution Control (JD)  
 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 Transfer (BF)  
 84-161 L&S Industries (JD)  
 85-19 Monsanto (BF)  
 85-69 Maplehurst Farms (JM)  
 \* 85-84 Illinois Power (JD)(due 12/4)  
 \* 85-138 North Shore Sanitary District (JA)(open waiver)  
 \* 85-154 Modine Manufacturing (RF)(due 12/18)  
 \* 85-166 Citizens Utilities (JTM)(open waiver)  
 85-173 Majestic Wood (JD)  
 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)  
 85-216 City of Clinton CSO (JM)  
 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 2/5)  
 \* 86-10 Bravo-Ernst (BF)(open waiver)  
 \* 86-48 Wells Manufacturing (RF)(due 2/19)  
 86-50 Chicago Steel (JD)  
 86-56 Trilla Steel Drum (JD)  
 86-74 E.J. Brach & Sons (JD)  
 86-79 John Prior (JM)  
 86-122 Roger Blunier (JD)  
 86-139 IDOT, U.S. Army Corps (BF)  
 \* 86-143 Frantz Manufacturing (RF)(due 2/5)  
 \* 86-149 Laidlaw Waste Systems (RF)(due 1/8)  
 \* 86-150 American Hoechst (JM)(open waiver)  
 \* 86-152 Chanute Air Force Base (RF)(due 2/5)  
 \* 86-165 City of Ottawa (JA)(due 1/22)  
 \* 86-174 IBP, Inc. (JM)(due 2/5)