

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 20, 1986 CHICAGO, ILLINOIS

A.M. SESSION

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

An Order closing the dockets in ##84-149, -153, Eastwood Manor, was adopted by a vote of 6-0. (RF)

In #86-91, Ekco Glaco, Corporation, Board Member B. Forcade's motion to amend a proposed Opinion and Order prepared by Board Member J. Marlin was adopted by a vote of 5-1. Mr. Meyer dissented. An Opinion and Order were then adopted by a vote of 5-1. Mr. Meyer dissented and Mr. Forcade concurred. (JM)

A Proposed Rule, Second Notice, Opinion and Order were adopted in R85-21(A), VOC, by a vote of 6-0. Mr. Dumelle concurred. (RF)

An Order was adopted in #82-101, Browning-Ferris, by a vote of 6-0. (JD)

An emergency motion for continuance in #85-190, Sours Grain, was denied by a vote of 5-1. Mrs. Anderson dissented. (JD)

Agency motion to strike affirmative defenses in #86-38, Williams Pipeline, was denied by a vote of 6-0. Mrs. Anderson and Mr. Dumelle concurred. (RF)

Agency motion for leave to file motion for reconsideration Instanter in #86-53, Central Illinois Utility Company, was granted and upon reconsideration the Board's September 11, 1986 Order was amended by a vote of 6-0. Mrs. Anderson concurred. (JTM)

Motion for reconsideration in #86-146, Abbott Laboratories, was granted and upon reconsideration the Board's September 11, 1986 Order was vacated and Petitioner's request for trade secret determination has been withdrawn by a vote of 6-0. (JD)

Motion to Board for sanctions in #86-159, Joliet Sand and Gravel, was denied by a vote of 6-0. (JA)

The Board, because of public interest in this proceeding, authorized a hearing in #86-185, Citizens Utilities, by a vote of 6-0. (JA)

Motions to dismiss by Wayne County and Daubs Landfill were denied and a hearing was authorized in #86-197, Rick Moore et al., by a vote of 5-1. Mr. Meyer dissented. (JA)

Agency motion to extend the close of record in R82-14, RACT III, was granted by a vote of 6-0. (BF)

Motion for rehearing in R85-7, Central Illinois Light, was denied by a vote of 6-0. (RF)

Motion to reopen the Record in R85-11, East St. Louis, failed to carry upon a vote of 3-3.

These cases were discussed and held to December 4, 1986 for possible consideration: ##85-84, Illinois Power; 85-88, Richard Nauman; 86-109, Waste Management; 86-122, Roger Blunier.

These regulatory matters were discussed and held to December 4, 1986 for possible consideration: R83-7, Stationary Noise; R84-48, LTV Steel; R85-20, New Source Review Rule; R85-28, National Can.

In amended petitions these actions were taken by a vote of 6-0: ##86-142, Village of Hanover Park, held for an Agency Recommendation; 86-179, City of Ottawa, additional information requested, **Order by J. Marlin.**

In new cases these actions were taken by a vote of 6-0: ##86-171, Illinois Department of Transportation, Department of the Army, **Chairman authorized to sign permit document and to prepare an Order;** 86-173, Illinois Department of Transportation, Park District of Highland Park et al., **Chairman authorized to sign permit document and to prepare an Order;** 86-187, New Jersey Zinc Company v. EPA, additional information requested, **Order by J. Anderson;** 86-189, Sharon F. Rydzewski v. Aspen Enterprises, accepted for hearing and the Environmental Protection Agency was joined as a nominal Complainant, **Order by J. Dumelle;** 86-193, Mr. and Mrs. Bill Aden et al. v. City of Freeport, accepted for hearing and the Environmental Protection Agency was joined as a nominal Complainant, **Order by J. Dumelle;** 86-198, Janice E. Boswell v. City of Kewanee, accepted for hearing; 86-199, North Suburban Public Utility Company v. EPA, additional information requested, **Order by B. Forcade;** 86-200, Illinois Department of Transportation, Commonwealth Edison Company, **no action will be taken until permit is filed;** 86-201, Illinois Department of Transportation, Chicago Park District, **no action will be taken until permit is filed;** 86-202, Bloomington and Normal Sanitary District v. EPA, held for an Agency Recommendation; 86-203, Illinois Department of Transportation, Great Lakes Naval Training Center, **Chairman authorized to sign permit document and to prepare an Order.**

Minutes of the November 6, 1986 Board meeting were approved by a vote of 6-0. (Thereafter the meeting was adjourned until 2:30 p.m.)

P.M. SESSION

The Board held a closed session on a personnel matter from 2:30 p.m. to 3:30 p.m. At 3:30 p.m. the Board met in open session.

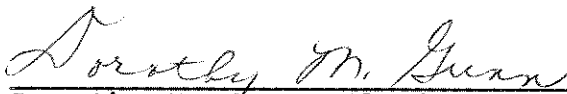
The more information Order in PCB 86-179, City of Ottawa enacted at the morning session was reconsidered and rescinded.

Motion to reopen the Record in R85-11, East St. Louis, was granted by a vote of 5-1. Mr. Forcade dissented and Dr. Marlin concurred. (RF)

A discussion of R82-27, -36 and R83-37, Procedural Rules was had until adjournment at 4:45 p.m.

All other matters not disposed of as listed were ordered held to December 4, 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 5th day of December, 1986 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 20, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

84-125 Clairmont Transfer (BF) _____

84-149) Eastwood Manor, Order (RF) _____
84-153)

85-219 City of Watseka CSO (JD) _____

* 86-91 Ekco Glaco Corp. (JM)(due) _____

R85-21 VOC, Proposed Rule, Second Notice, Opinion and Order
(RF) _____

R86-5 American Nickeloid (BF) _____

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), 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 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

MOTIONS: (Cont'd)

Board to clarify sanctions of July 2, 1986 as they relate to the Philip Carey Company (11/3), Supplement to Celotex motion to the Board to dismiss with prejudice Counts I, II, III, and V of the Complaint (11/12), Celotex opposition to "motion to the Hearing Officer to strike Celotex opposition to motion to the Hearing Officer to admit self-authenticating documents as evidence and to amend complaint" (11/13), Celotex opposition to "motion to the Hearing Officer to strike Celotex opposition to motion to the Hearing Officer for finding that the Philip Carey Company is in default" (11/13)(JD)

- 82-101 Browning-Ferris - Board Order (JD)_____
- 85-190 Sours Grain - request for confidentiality (11/12), emergency motion for continuance (11/12)(JD)_____
- 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)_____
- 86-53 Central Illinois Utility - Agency motion for leave to file motion for reconsideration Instantly (10/28)(JTM)_____
- 86-146 Abbott Laboratories - motion for reconsideration (10/16), agreed amended motion to reconsider and to vacate and to allow withdrawal of Trade Secret Determination request (11/17)(JD)_____
- 86-159 Joliet Sand & Gravel - Supplement to Petitioner's motion to the Board for sanctions (11/5), Agency response to Petitioner's supplement to motion for sanctions (11/13)(JA)_____
- * 86-185 Citizens Utilities - Letter of objection 11/18)(JA)_____
- 86-197 Rick Moore, et al. - Wayne County motion to dismiss (11/18), Daubs Landfill motion to dismiss (11/18), letter by Rick Moore (11/19), Petitioners' memorandum concerning timeliness of petition (11/19), supplemental petition (11/19)(JA)_____
- R82-14 RACT III - Agency motion to extend the close of record (11/17)(BF)_____
- R85-7 Central Illinois Light - motion for rehearing (10/16) (RF)_____

MOTIONS: (Cont'd)

R85-11 East St. Louis - motion to reopen the Record (10/28),
Agency response to Petitioner's motion to reopen the
Record (11/19)(RF)_____

DISCUSSIONS:

* 85-84 Illinois Power (JD)(due 12/4)_____

 85-88 Richard Nauman (JD)_____

* 86-109 Waste Management (JM)(due 12/4)_____

 86-122 Roger Blunier (JD)_____

REGULATORY DISCUSSIONS:

R82-27) Procedural Rules (BF)_____

R82-36) (Site-Specific Regulation/Agency Proposal)

R83-37) _____

R83-7 Stationary Noise, Proposed Rule, Second Notice Opinion
and Order (JA)_____

R84-48 LTV Steel Site-Specific, Adopted Rule, Final Order
(JTM)_____

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

R85-28 National Can Site-Specific (JTM)_____

AMENDED PETITIONS:

86-142 Village of Hanover Park (filed 11/7)_____

86-179 City of Ottawa (filed 11/6)_____

NEW CASES:

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

86-187 New Jersey Zinc Company v. EPA_____

86-189 Sharon F. Rydzenski v. Aspen Enterprises (11:00 a.m.)_____

NEW CASES: (Cont'd)

86-193 Mr. & Mrs. Bill Aden et al. v. City of Freeport (11:00
a.m.) _____

86-198 Janice E. Boswell v. City of Kewanee (11:00 a.m.) _____

86-199 North Suburban Public Utility Company v. EPA _____

86-200 IDOT, Commonwealth Edison _____

86-201 IDOT, Chicago Park District _____

86-202 Bloomington and Normal Sanitary District v. EPA _____

86-203 IDOT, Dept. of the Army (JD) _____

86-204 IDOT, Great Lakes Naval Training Center (JD) _____

MINUTES:

November 6, 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)
84-161 L&S Industries (JD)
85-19 Monsanto (BF)
85-69 Maplehurst Farms (JM)
85-131 Concerned Neighbors (JM)
* 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)
* 85-179 Camsco Produce (JTM)(due 4/30)
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)
* 86-21 Allied-Hastings (JA)(due 2/19)
* 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)
86-139 IDOT, U.S. Army Corps (BF)
* 86-140 Village of Villa Park (JTM)(due 2/19)
* 86-143 Frantz Manufacturing (RF)(due 2/5)
* 86-147 Central Illinois Public Service (JD)(due 3/5)
* 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)
* 86-158 Village of Elizabethtown (JD)(due 2/19)
* 86-165 City of Ottawa (JA)(due 1/22)
* 86-174 IBP, Inc. (JM)(due 2/5)
* 86-185 Citizens Utilities (JA)(due 2/19)