

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
DECEMBER 5, 1986 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present. Chairman Dumelle asked for a moment of silence in respect to the memory of Board Member Walter J. Nega.

An Opinion and Order were adopted in #85-84, Illinois Power, by a vote of 6-0. (JD)

In #86-109, Waste Management, an Order was adopted by a vote of 6-0. The Opinion was then adopted by a vote of 6-0 with B. Forcade, R. Flemal and J. Theodore Meyer concurring. (JM)

An Opinion and Order were adopted in #86-122, Roger Blunier, by a vote of 5-1. Mr. Meyer dissented. (JD)

A Proposed Rule, Second Notice Opinion and Order were adopted in R83-7, Stationary Noise, by a vote of 4-2. Messrs. Dumelle and Forcade dissented. (JA)

An Adopted Rule, Final Opinion and Order were adopted in R84-48, LTV Steel Site-Specific, by a vote of 5-1. Dr. Flemal dissented. (JTM)

An Order dismissing with prejudice, Counts I, II, III and V of the Complaint as they relate to the Celotex Corporation was adopted by a vote of 6-0 in #79-145, Celotex. (JD)

An Order directing the Clerk to close the docket in #85-35, Warner Electric Brake, was adopted by a vote of 6-0. (BF)

An agreed motion to dismiss in #85-98, Commonwealth Edison, was granted by a vote of 6-0. (JD)

A motion to issue Subpoena in #85-190, Sours Grain, was granted by a vote of 6-0. (JA)

An Order directing Petitioner to submit an application for nondisclosure of specified documents in #85-190, Sours Grain, was adopted by a vote of 6-0. (JA)

Motion to withdraw was granted in #86-10, Bravo-Ernst, by a vote of 6-0. (BF)

Agency motion to file Post-Hearing Brief Instanter in #86-56, Trilla Steel Drum, was granted by a vote of 6-0. (JD)

Agency motion to file Recommendation Instantner in #86-140, Village of Villa Park, was granted by a vote of 6-0. (JTM)
These cases were discussed and held to December 18, 1986 for possible consideration: ##85-52, Growmark, Inc.; 85-88, Richard Nauman; 85-173, Majestic Wood Carving; 86-152, Chanute Air Force Base.

A Proposed Rule, Second Notice, Opinion and Order were adopted in R82-14, RACT III (Petroleum Dry Cleaners), by a vote of 6-0. (BF)

These regulatory matters were discussed and held to December 18, 1986 for possible consideration: R84-42, Pathological Incineration; R85-20, New Source Review Rule.

In amended petitions these actions were taken by a vote of 6-0: ##86-157, City of Elmhurst, held for an Agency Recommendation; 86-174, IBP, Inc., motion for leave to file Recommendation Instantner granted and hearing authorized; 86-199, North Suburban Public Utility, held for an Agency Recommendation.

In new cases these actions were taken by a vote of 6-0. ##86-191, Illinois Department of Transportation, Mr. Richard Binder, Chairman authorized to sign permit document and to prepare an Order; 86-200, Illinois Department of Transportation, Commonwealth Edison Company, Chairman authorized to sign permit document and to prepare an Order; 86-204, Schrock v. EPA, hearing authorized, Order by Mr. Forcade; 86-205, Schrock v. EPA, hearing authorized, Order by Mr. Forcade; 86-206, Stuckey's Pecan Shoppe v. EPA, additional information requested, Order by Mr. Dumelle; 86-207, Village of Lemont v. EPA, held for an Agency Recommendation; R86-48, New Source Performance Standards, Resolution and Order of the Board by Mr. Meyer; R86-49, New Source Review Standards, Resolution and Order of the Board by Mr. Meyer.

Minutes of these Board meeting dates were approved by a vote of 6-0: November 20, and 26, 1986. (Thereafter the meeting was adjourned)

P.M. SESSION

The Board met again at 3:00 p.m. R86-9(B), Hazardous Waste Prohibitions was discussed and held until December 18.

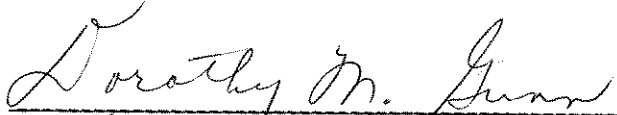
An Order was adopted in #86-139, Illinois Department of Transportation, U.S. Corps of Engineers, Chicago District, by a vote of 6-0. Messrs. Dumelle and Marlin concurred. (BF)

An Opinion and Order dismissing the proposal and authorizing the Clerk of the Board to close the docket in R86-5, American Nickeloid, was adopted by a vote of 6-0. (BF)
Motion to compel in #86-44, Continental Grain, was granted by a vote of 6-0. (JA)

R82-27, -36, and R83-37, Procedural Rules, was discussed and held to December 18, 1986.

There being no further business the meeting was adjourned at 4:20 p.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 18th day of December, 1986 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 5, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 8-032

DECISIONS:

84-125 Clairmont Transfer (BF)_____

84-161 L&S Industries (JD)_____

* 85-84 Illinois Power (JD)(due)_____

85-219 City of Watseka CSO (JD)_____

* 86-109 Waste Management (JM)(due)_____

86-122 Roger Blunier (JD)_____

86-139 IDOT, U.S. Army Corps (BF)_____

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

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

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

R86-5 American Nickeloid (BF)_____

R86-9 Hazardous Waste Prohibitions, Proposed Rule, First
(B) Notice (JD)_____

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
Instantanr to opposition to Celotex motion to the Board
to dismiss with prejudice Counts I, II, III and V of the

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

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 Instanter (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 (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)

85-35 Warner Brake - Board Order to close docket (BF)

85-98 Commonwealth Edison - agreed motion to dismiss (12/1)

85-118 City of Rock Island - motion to revoke open waiver (10/7)

85-190 Sours Grain - request for confidentiality (11/12), motion to issue Subpoena (12/4)(JD)

86-56 Trilla Steel Drum - Agency motion to file Post-Hearing Brief Instanter (12/3)(JD)

86-68 Mervis Industries - motion to dismiss (11/26), motion for Summary Judgment (11/26), response (12/1)

86-140 Village of Villa Park - Agency motion to file Recommendation Instanter (12/3)(JTM)

86-189 Aspen Enterprises - request to dismiss (12/3)

DISCUSSIONS:

85-52 Growmark, Inc. (JD) _____
85-88 Richard Nauman (JD) _____
85-173 Majestic Wood Carving (JD) _____
* 86-152 Chanute Air Force Base (RF)(due 2/5) _____

REGULATORY DISCUSSIONS:

R82-14 RACT III (Petroleum Dry Cleaners), Second Notice (BF) _____
R82-27) Procedural Rules (BF) _____
R82-36) (Site-Specific Regulation/Agency Proposal) _____
R83-37) _____
R84-42 Pathological Incineration (BF) _____
R85-20 New Source Review Rule (JD) _____

AMENDED PETITIONS:

86-157 City of Elmhurst (filed 11/24) _____
86-174 IBP, Inc. (filed 12/3)(See also Agency motion for leave
to file Recommendation Instantner (12/1)(JM) _____
86-199 North Suburban Public Utility (filed 12/1) _____

NEW CASES:

86-191 IDOT, Mr. Richard Binder (JD) _____
86-200 IDOT, Commonwealth Edison Company (JD) _____
86-204 Schrock (Permit Denial) v. EPA _____
86-205 Schrock (Air Variance) v. EPA _____
86-206 Stuckey's Pecan Shoppe v. EPA _____
86-207 Village of Lemont v. EPA _____
R86-48 New Source Performance Standards (JTM) _____

NEW CASES: (Cont'd)

R86-49 New Source Performance Standards (JTM) _____

R86-50 New Source Performance Standards (JTM) _____

MINUTES:

November 20, 1986 _____

November 26, 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)
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)(open waiver)
* 85-166 Citizens Utilities (JTM)(open waiver)
* 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)
* 85-227 Van Leer Containers (JD)(due 1/8)
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)
* 86-18 Hillview Farms (JD)(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)
* 86-125 City of Morris (JM)(due 1/8)
* 86-140 Village of Villa Park (JTM)(due 2/19)
* 86-142 Village of Hanover Park (JTM)(due 3/5)
* 86-143 Frantz Manufacturing (RF)(due 2/5)
* 86-147 Central Illinois Public Service (JD)(due 3/5)
* 86-150 American Hoechst (JM)(open waiver)
* 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)
* 86-179 City of Ottawa (JA)(due 3/5)
* 86-185 Citizens Utilities (JA)(due 2/19)
* 86-202 Bloomington & Normal S.D. (RF)(due 3/5)



STATE
OF
ILLINOIS

POLLUTION CONTROL BOARD

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JACOB D. DUMELLE, CHAIRMAN
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JOHN C. MARLIN
URBANA, ILLINOIS

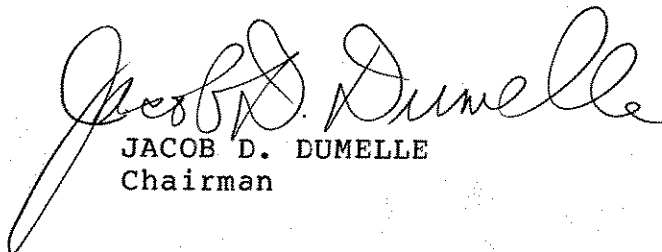
J. THEODORE MEYER
CHICAGO, ILLINOIS

WALTER J. NEGA
CHICAGO, ILLINOIS

MEETING NOTICE

The regular meeting of the Illinois Pollution Control Board will be rescheduled from Thursday, December 4, 1986 because of the death of Board Member Walter J. Nega.

The Board will meet at 10:30 a.m. on Friday, December 5, 1986 in Conference Room 8-032 in the State of Illinois Center.



JACOB D. DUMELLE
Chairman

Posted and Circulated
December 3, 1986