

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
APRIL 24, 1986 CHICAGO, ILLINOIS

MORNING SESSION

All Board Members were present.

An Interim Order was adopted in #85-9, Landfill Emergency Action, by a vote of 7-0. (JA)

An Opinion and Order were adopted in #85-145, Alton Packaging, by a vote of 7-0. (JD)

An Opinion and Order were adopted in #85-201, Village of Morton, by a vote of 7-0. Mr. Meyer concurred. (WN)

Motion to amend by J. Anderson lost by a vote of 4-3 with R. Flemal, B. Forcade, J. Marlin and J. Theodore Meyer against and J. Anderson, J. Dumelle and W. Nega for it. An Opinion and Order were then adopted in #85-215, City of Mattoon CSO, by a vote of 7-0. J. Anderson, B. Forcade and J. Dumelle concurred. (JM)

An Order dismissing the proceedings in #86-17, City of Du Quoin, was adopted by a vote of 7-0. (JD)

A Proposed Rule, Second Notice, Proposed Order was adopted in R82-2(B), Nuclear Air Emissions, by a vote of 7-0. (JD)

An Adopted Rule, Final Opinion and Order were adopted in R84-28, Peoria Sulfur Limitations, by a vote of 7-0. Mr. Forcade concurred. (JD)

An Adopted Rule, Final Opinion and Order were adopted in R85-2, Amoco Delisting, by a vote of 7-0. (BF)

A Proposal for Public Comment, Proposed Opinion was adopted in R86-1, RCRA Update, by a vote of 7-0. (JA)

A Proposal for Public Comment, Proposed Order was adopted in R86-1, RCRA Update, by a vote of 7-0. (JA)

An Interim Order was adopted in #76-84, Santa Fe Park, by a vote of 7-0. (JD)

Motion to voluntarily dismiss was granted in #81-47, Republic Steel, by a vote of 7-0. (JD)

Motion to voluntarily dismiss was granted in #82-46, Republic Steel, by a vote of 7-0. (JD)

Motion to substitute parties was granted in #84-81, Reliable-

Nesco, by a vote of 7-0. (JD)

Agency motion subsequent to entry of final order was granted in #85-35, Warner Brake, by a vote of 7-0. (BF)

Motion to dismiss was granted in #85-99, Citgo Petroleum, by a vote of 7-0. (JD)

Motion to vacate was denied in #85-192, McHenry County, by a vote of 7-0. (JM)

Motion for leave to file Instanter a Recommendation was granted in #85-221, Hansen-Sterling Drum, by a vote of 7-0. (JD)

An Order was adopted in #86-10, Bravo-Ernst, by a vote of 7-0. (BF)

Motion to file Instanter the Agency Record was granted in #86-43, LTV Steel, by a vote of 7-0. (JD)

Agency motion to dismiss and motion to strike was denied in #86-47, Fedders-USA, by a vote of 7-0. (JA)

Agency motion to dismiss was denied and motion to compel filing of the Agency Record was granted in #86-48, Wells Manufacturing, by a vote of 7-0. (BF)

Motion for reconsideration was denied in R81-19, Citizens Utilities, by a vote of 6-0. Dr. Flemal abstained. (JTM)

Motion to dismiss was denied in R86-10, Pharmaceutical Industry VOC, by a vote of 7-0. (JD)

These cases were discussed and held to May 9, 1986 for possible consideration: ##82-144, City of Galena; 83-166, Mobil Chemical; 85-17, S&C Electric; 85-139, City of Metropolis CSO; 85-171, Electric Energy; 85-183, Village of Burlington; 85-212, Village of Morton CSO; 85-214, City of Rock Island CSO; 85-225, City of Cairo CSO; 86-24, City of Yorkville.

These regulatory matters were discussed and held to May 9, 1986 for possible consideration: R81-18, Chief Operator Certification; R84-30, City of East Peoria; R85-7, CILCO Site-Specific; R85-11, Illinois-American.

By a vote of 7-0 hearings were authorized in amended petitions ##86-22, -23, American Steel. (BF)

In new cases these actions were taken by a vote of 7-0: ##86-50, EPA v. Chicago Steel Container, Corp., hearing mandatory; 86-51, EPA v. Super Container Company and John J. Jagiella, hearing mandatory; 86-52, City of Johnston City v. EPA, held for an Agency Recommendation; 86-53, Central Illinois Utility Company v. EPA, held for an Agency Recommendation; 86-54, Village of Lemont

v. EPA, held for an Agency Recommendation; 86-55, EPA v. Acme Barrel Company, hearing mandatory; 86-56, EPA v. Trilla Steel Drum, Inc., hearing mandatory; 86-57, Village of Sauget v. EPA and USEPA, hearing authorized, **Order by Mr. Forcade**; 86-58, Village of Sauget v. EPA and USEPA, hearing authorized, **Order by Mr. Forcade**; 86-59, Village of Round Lake Beach v. EPA, additional information requested, **Order by Mr. Forcade**; 86-61, City of Pekin v. EPA, provisional variance granted, **Opinion and Order by Mr. Nega**; R86-15, NESHAPS, **Resolution and Order by Mr. Meyer**; R86-16, New Source Performance Standards, **Resolution and Order by Mr. Meyer**; R86-17, Agency Proposed Amendments to Water Pollution Regulations (35 Ill. Adm. Code 304.120, Deoxygenating Wastes), accepted for publication and hearing authorized.

In other new cases these actions were taken by a vote of 5-2: #86-62, -63, Monsanto Company v. EPA, motion to appear granted and hearing authorized. J. Anderson and J. Dumelle dissented. **(BF)**

Minutes of the April 10, 1986 Board meeting were approved by a vote of 7-0. **(Thereafter the meeting was adjourned until 2:00 p.m.)**

AFTERNOON SESSION

Mrs. Anderson presented a draft Order in new case #86-60, Illinois Department of Transportation, City of Lake Forest. Motion to ammend by B. Forcade lost by a 3-3 vote with B. Forcade, J. Dumelle and R. Flemal for it and J. Anderson, J. Theodore Meyer and W. Nega against; J. Marlin abstained. A last filing by the City received during the noon recess was considered prior to a vote being taken. An Order, authorizing the Chairman to sign the permit document, was adopted by a vote of 5-1 with J. Marlin abstaining, B. Forcade dissenting and J. Dumelle, R. Flemal and J. Theodore Meyer concurring. After the vote, the riparian owners made an additional filing, having been apparently unaware of the City's noon filing until the meeting reconvened. The Board on its own motion by a 5-1 vote; Mr. Dumelle dissented, reopened the case to consider the owner's latest filing. The Board readopted its Order, all Members voting as they did initially. **(JA)**

Renewed motion for sanctions was granted in #79-145, Celotex, by a vote of 5-2. J. Dumelle and R. Flemal dissented. **(BF)**

Motion for an Interim Order was denied and motion for leave to file a reply was granted in #85-84, Illinois Power, by a vote of 6-1. J. Anderson dissented. **(JD)**

Agency motion to Board to request DENR to revise Economic Impact Analysis was denied in R84-29, Mine Rule Amendments, by a vote of 7-0. **(RF)**

All other matters not disposed of as listed were ordered held to May 9, 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 9th day of May, 1986 by a vote of 7-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
APRIL 24, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 8-033

DECISIONS:

- 85-9 Landfill Emergency Action, Interim Order (JA)

- * 85-44) DuPage Publications (JD)(due) _____
85-70)
85-130)
- * 85-145 Alton Packaging (JD)(due) _____
- 85-201 Village of Morton (WN) _____
- 85-215 City of Mattoon CSO (JM) _____
- 86-17 City of Du Quoin, Order (JD) _____
- * 86-35 Lake County Public Works (JA)(due 6/5) _____
- R82-2 Nuclear Air Emissions, Second Notice (JD)
(B) _____
- R84-28 Peoria Sulfur Limitations, Adopted Rule, Final Opinion
and Order (JD) _____
- R85-2 Amoco Delisting, Final Rule, Final Opinion and Order
(BF) _____
- R86-1 RCRA Update, Proposal for Public Comment, Proposed
Opinion (JA) _____

MOTIONS:

- 76-84 Santa Fe Park - motion for resumption of proceedings
(4/11)(JD) _____
- 79-145 Celotex - renewed motion for sanctions (4/10), motion
for sanctions for Complainant's failure to obey Hearing
Officer Orders (4/18)(BF) _____

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 81-47 Republic Steel - motion to voluntarily dismiss (4/11)

- 82-46 Republic Steel - motion to voluntarily dismiss (4/11)

- 84-81 Reliable-Nesco - motion to substitute parties (4/4),
Response (4/16) _____
- 85-35 Warner Brake - Agency motion subsequent to entry of
Final Order (4/15) _____
- 85-84 Illinois Power - motion for an Interim Order (4/14),
Agency motion in opposition to Petitioner's motion for
Interim Order (4/22) _____
- 85-99 Citgo Petroleum - motion to dismiss (4/21) _____
- 85-128 City of Flora - Agency motion to supplement Record and
motion for reconsideration (3/14), cross motion for
reconsideration and answer to Agency's motion for
reconsideration (3/19), Agency response to Petitioner's
cross motion for reconsideration (4/4)(JD)

- 85-136 Navem Patel - motion for sanctions (4/21)

- 85-154 Modine - appeal of Hearing Officer's Order denying
motion to selectively incorporate prior record (4/21)

- 85-192 McHenry County - motion to vacate (4/10), Objection to
motion to vacate (4/22) _____
- 85-221 Hansen-Sterling Drum - motion for leave to file Agency
Recommendation Instanter (4/21) _____
- 86-10 Bravo-Ernst - Board Order (BF) _____
- 86-43 LTV Steel - motion to file Agency Record Instanter
(4/18) _____
- 86-47 Fedders-USA - Agency motion to dismiss (4/16), Agency
motion to strike (4/16)(JA) _____
- 86-48 Wells Manufacturing - Agency motion to dismiss (4/17),
Petitioner's response to Agency's motion to dismiss
(4/18), motion to compel the filing of the Agency Record
(4/18) _____

MOTIONS: (Cont'd)

- R81-19 Citizens Utilities - motion for reconsideration
(4/21)(JTM) _____
- R84-29 Mine Rule Amendments - Agency motion to the Board to
request DENR to revise Economic Impact Analysis (4/4),
DENR response (4/9), memorandum in opposition to motion
to request DENR to revise Economic Impact Analysis
(4/10)(RF) _____
- R86-10 Pharmaceutical Industry VOC - motion to dismiss (4/10),
Agency response to Petitioner's motion to dismiss
(4/22)(JD) _____

DISCUSSIONS:

- 82-144 City of Galena (JD) _____
- 83-166 Mobil Chemical (BF) _____
- * 85-17 S&C Electric (JD)(due 5/8) _____
- 85-139 City of Metropolis CSO (JD) _____
- * 85-171 Electric Energy (JM)(due 7/21) _____
- * 85-183 Village of Burlington (RF)(due 5/8) _____
- 85-212 Village of Morton CSO (RF) _____
- 85-214 City of Rock Island CSO (RF) _____
- 85-225 City of Cairo CSO (JM) _____
- * 86-24 City of Yorkville (JM)(due 5/8) _____

REGULATORY DISCUSSIONS:

- R81-18 Chief Operator Certification (JA) _____
- R84-30 City of East Peoria (BF) _____
- R85-7 CILCO Site-Specific (RF) _____
- R85-11 Illinois-American (RF) _____

AMENDED PETITIONS:

86-22 American Steel (filed 4/15)(BF) _____

86-23 American Steel (filed 4/15)(BF) _____

NEW CASES:

86-50 EPA v. Chicago Steel Container, Corp. _____

86-51 EPA v. Super Container Company and John J. Jagiella

86-52 City of Johnston City v. EPA (BF) _____

86-53 Central Illinois Utility Company v. EPA _____

86-54 Village of Lemont v. EPA _____

86-55 EPA v. Acme Barrel Company _____

86-56 EPA v. Trilla Steel Drum, Inc. _____

86-57 Village of Sauget v. EPA and USEPA (see also Monsanto
filing and motion for leave to appear (4/21))(BF)
_____86-58 Village of Sauget v. EPA and USEPA (see also Monsanto
filing and motion for leave to appear (4/21))(BF)

86-59 Village of Round Lake Beach v. EPA _____

86-60 IDOT, City of Lake Forest (see also objection and
request for hearing (4/22)), Response (4/23)(JD)

R86-15 NESHAPS (JTM) _____

R86-16 New Source Performance Standards (JTM) _____

R86-17 Agency Proposed Amendments to Water Pollution
Regulations (35 Ill. Adm. Code 304.120 Deoxygenating
Wastes) _____MINUTES:

April 10, 1986 _____

PENDING CASES ASSIGNED:

76-84 Santa Fe Park (JD)
78-139 Vickery Manor (BF)
81-144 Marathon (JD)
82-101 Browning-Ferris (JA)
* 83-18 Modine Manufacturing (RF)(due 5/22)
83-163 Larry Bittle (RF)
84-93 S. C. Industries (BF)
84-124 Overnite Trucking (BF)
84-125 Clairmont Trucking (BF)
84-161 L&S Industries (JD)
* 84-174 Classic Finishing (JM)(open waiver)
* 85-14 Electric Energy (JA)(due 6/5)
85-19 Monsanto (BF)
85-46 William J. Hauck (JD)
* 85-106 Village of Oswego (RF)(due 6/19)
* 85-126 Oasis Outdoor (JD)(open waiver)
85-129 Richard Termaat (JA)
* 85-171 Electric Energy (JA)(7/21)
* 85-179 Camsco Produce (JTM)(due 6/19)
* 85-209 Village of Carol Stream (RF)(due 6/19)
85-210 City of Peoria CSO (JM)
* 85-217 City of Dixon (JA)(due 6/5)
85-219 City of Watseka CSO (JD)
85-224 Aurora Sanitary District CSO (BF)
85-226 City of Pekin CSO (JA)
* 86-9 Trilla Steel Drum (JM)(due 8/14)
* 86-10 Bravo-Ernst (BF)(due 6/19)
* 86-30 Village of Stillman Valley (JM)(due 5/22)
* 86-36 City of Batavia (JTM)(due 7/9)
* 86-42 Village of Bensenville (JTM)(open waiver)
* 86-45 Mobil Oil (JM)(due 7/29)