

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
MAY 14, 1987 CHICAGO, ILLINOIS

All Board Members were present.

A draft Opinion and Order in #84-64, Rodger Diamond, by B. Forcade failed to carry by a 3-3 vote with B. Forcade, R. Flemal and J. Theodore Meyer for it and J. Anderson, J. Dumelle and J. Marlin against. Motion to dismiss by B. Forcade and seconded by R. Flemal failed to carry by a 2-4 vote with B. Forcade and R. Flemal for it and J. Anderson, J. Dumelle, J. Marlin and J. Theodore Meyer against.

A draft Opinion and Order in #85-222, Sanitary District of Elgin CSO, by J. Theodore Meyer failed to carry by a 2-4 vote with B. Forcade and J. Theodore Meyer for it and J. Anderson, J. Dumelle, R. Flemal and J. Marlin against.

An Opinion and Order were adopted in #87-13, City of Rock Island, by a vote of 5-1. J. Dumelle dissented and B. Forcade and J. Marlin concurred. (RF)

Ad Recodification Order was adopted in R82-27, -36, -83-37, Procedural Rules, Part 104 by a vote of 6-0. (JTM)

A Proposal for Public Comment, Proposed Opinion was adopted in R87-5, RCRA Update (October 1, 1986 through December 31, 1986), by a vote of 6-0. (JA)

A Proposal for Public Comment, Proposed Order was adopted in R87-5, RCRA Update (October 1, 1986 through December 31, 1986), by a vote of 6-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-14, Christian County Landfill, Inc.; 87-27, Fitz-Mar Landfill, Inc.; 87-29, Allen Cassens; 87-30, Norman Holzhauser; 87-31, Norman Holzhauser; 87-32, Carl Hendricks; 87-33, Village of Washington Park.

Agency request to withdraw the Administrative Citation was granted in #87-39, Tena Bergbower, by a vote of 6-0. (JD)

Agency verified motion for contingent penalties and motion for oral argument was granted in #84-85, Village of Orangeville, by a vote of 5-1. J. Theodore Meyer dissented. (JD)

J. Theodore Meyer's motion to deny a joint motion to reconsider in #86-1, City of Peru, failed to carry by a 2-4 vote with B. Forcade and J. Theodore Meyer for it and J. Anderson, J. Dumelle, R. Flemal and J. Marlin against. The joint motion to reconsider

was then granted and upon reconsideration condition #7 of the Board's April 1, 1987 Order was deleted and vacated by a vote of 4-2. B. Forcade and J. Theodore Meyer dissented. (JD)

Agency motion to reconsider and to modify in #86-2, City of LaSalle, was granted and upon reconsideration condition #4 of the Board's April 1, 1987 Order was deleted and vacated by a vote of 4-2. B. Forcade and J. Theodore Meyer dissented. (JD)

Motion for leave to amend the complaint in #86-92, G&W Electric, was granted by a vote of 6-0. (JD)

Motion to dispense with hearing in #86-187, New Jersey Zinc, was denied by a vote of 5-1. R. Flemal dissented. (BF)

Agency motion to dismiss in #86-204, Schrock, was denied by a vote of 5-1. J. Dumelle dissented. (BF)

Motion for reconsideration was granted and upon reconsideration a hearing will be set in #86-205, Schrock, by a vote of 5-1. J. Dumelle dissented. (BF)

Motion for leave to file response to Agency Recommendation was granted in #86-225, City of Geneva, by a vote of 6-0. (JA)

Motion to dismiss appeal was stricken and motion to consolidate was denied in #87-34, A.R.F. Landfill, by a vote of 6-0. (JM)

Agency motion to dismiss in #87-50, Pike County, was denied by a vote of 6-0. (JA)

Motion to dismiss cross-appeal (PCB 87-57) was granted in #87-51, A.R.F. Landfill, by a vote of 6-0. B. Forcade concurred. (JD)

Agency motion to incorporate the record of PCB 86-205 into R87-12, was granted and to determine that another hearing is unnecessary was denied in R87-12, Schrock, by a vote of 5-1. J. Dumelle dissented. (RF)

These cases were discussed and held to May 28, 1987 for possible consideration: ##79-145, Celotex Corporation; 83-49, -55), Alton Packaging; 86-223, Morton Thiokol; 87-12, Emergency Technical Services; 87-16, City of Lockport.

These regulatory matters were discussed and held to May 28, 1987 for possible consideration: R82-27, -36, -83-37, Procedural Rules, Part 105; R85-21(A), VOC; R86-9, Hazardous Waste Prohibition; R86-12, RACT, Polystyrene Plants; R86-17(A), Deoxygenating Wastes.

An Interim Order was adopted and the Board's April 30, 1987 Second Notice Order was vacated in R84-45, Gifford-Hill, by a vote of 6-0. (JA)

Amended petition #87-39, Village of Roselle, was held for an

Agency Recommendation, by a vote of 6-0.

In new cases these actions were taken by a vote of 6-0: ##87-43, Illinois Department of Transportation, Winnetka Park District, **Chairman authorized to sign the permit document and to prepare an Order**; 87-55, Joliet Sand & Gravel Company v. EPA, hearing authorized, J. Anderson concurred, **Order by B. Forcade**; 87-56, Mt. Vernon Association, Inc. v. EPA, additional information requested, **Order by J. Dumelle**; 87-57, proceedings dismissed (see motion to dismiss in 87-51), **Order by J. Dumelle**; 87-58, Allied Corporation v. EPA, hearing authorized and counsel for Petitioner must notify Board whether he is admitted to practice law in Illinois, **Order by J. Dumelle**; 87-60, 3M Company v. EPA, hearing authorized, **Order by B. Forcade**; 87-61, Illinois Department of Transportation, Gerhard Schulmeyer, **docket opened to allow the Board additional time to review project**; 87-62, Riverside Laboratories, Inc. v. EPA, hearing authorized, J. Dumelle concurred, **Order by B. Forcade**; 87-63, Reynolds Metals Company v. EPA, held for an Agency Recommendation; 87-64, Illinois Department of Transportation, Birchwood on the Lake Apartments, **Chairman authorized to sign the permit document and to prepare an Order.**

In new case #87-59, Central Illinois Public Service v. EPA, a hearing was authorized by a vote of 5-1. J. Dumelle dissented. (BF)

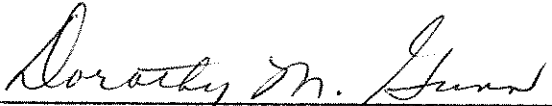
A hearing was authorized in Administrative Citation #87-28, Bi-State Disposal.

These new Administrative Citations were received: ##87-38, John and Diann Lybarger; 87-40, Browning-Ferris Industries; 87-41, Bergbower Landfill, Inc.; 87-42, Martha A. Smith and Donald Jones; 87-43, Arthur A. Daniels; 87-44, Browning-Ferris Industries; 87-45, Glen Buelter and William H. DeJarnette.

Minutes of the April 30, 1987 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to May 28, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 28<sup>th</sup> day of May, 1987 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MAY 14, 1987 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-031  
10:30 A.M.

DECISIONS:

- 84-64 Rodger Diamond (BF)\_\_\_\_\_
- 85-219 City of Watseka CSO (JD)\_\_\_\_\_
- 85-222 S.D. of Elgin CSO (JTM)\_\_\_\_\_
- 86-79 John Prior (JM)\_\_\_\_\_
- \* 86-223 Morton Thiokol (JTM)(due 5/28)\_\_\_\_\_
- \* 87-13 City of Rock Island (RF)(due 6/25)\_\_\_\_\_
- R82-27) Procedural Rules, Part 104 Recodification and Adoption  
R82-36) Order (JTM)\_\_\_\_\_
- R83-37)
- R87-5 RCRA Update (October 1, 1986 through December 31,  
1986)(JA)\_\_\_\_\_

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AC DECISIONS:

- 87-14 Christian County Landfill, Inc.\_\_\_\_\_
- 87-27 Fitz-Mar Landfill, Inc.\_\_\_\_\_
- 87-29 Allen Cassens\_\_\_\_\_
- 87-30 Norman Holzhauer\_\_\_\_\_
- 87-31 Norman Holzhauer\_\_\_\_\_
- 87-32 Carl Hendricks\_\_\_\_\_
- 87-33 Village of Washington Park\_\_\_\_\_

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\* INDICATES VARIANCE OR PERMIT APPEAL  
\*\*INDICATES ADMINISTRATIVE CITATION APPEAL

AC MOTIONS:

87-39 Tena Bergbower - motion to dismiss (5/8)\_\_\_\_\_

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MOTIONS:

84-85 Village of Orangeville - Agency verified motion for contingent penalties (4/27), response and motion for oral argument (5/11)(JTM)\_\_\_\_\_

86-1 City of Peru - joint motion to reconsider (5/1)(JTM)

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86-2 City of LaSalle - Agency motion to reconsider and to modify April 1, 1987 Board Order (4/20),

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86-92 G&W Electric - motion for leave to file first amended complaint Instanter (5/6)\_\_\_\_\_

86-187 New Jersey Zinc - motion to dispense with hearing (5/4), Agency response to Motion to dispense with hearing (5/6)

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86-204 Schrock - Agency motion to dismiss (4/27), response to Agency's motion to dismiss (5/8)(BF)\_\_\_\_\_

86-205 Schrock - motion for reconsideration (4/9), Agency response in opposition to motion for reconsideration (4/27), agreed motion for leave to reply in support of motion for reconsideration (4/29), Petitioner's reply memorandum in support of motion for reconsideration (5/8)(BF)\_\_\_\_\_

86-225 City of Geneva - motion for leave to file response to Agency Recommendation and response to Recommendation (5/7)(JA)\_\_\_\_\_

87-34 A.R.F. Landfill - motion to dismiss appeal (5/1), motion to consolidate with PCB 87-51 (5/12), response to motion to dismiss appeal (5/12)(JM)\_\_\_\_\_

87-44 Arlington Park - Objection (4/30)\_\_\_\_\_

87-50 Pike County - Agency motion to dismiss (5/8)\_\_\_\_\_

87-51 A.R.F. Landfill - motion to dismiss (5/8)(See New case PCB 87-57)\_\_\_\_\_

**MOTIONS: (Cont'd)**

R87-12 Schrock - Agency motion to incorporate Record and determine that another hearing is unnecessary (4/30), Petitioner's response to Agency motion to incorporate record (5/8)(RF)\_\_\_\_\_

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**DISCUSSIONS:**

79-145 Celotex Corporation (JD)\_\_\_\_\_

\* 83-49) Alton Packaging (RF)(open waiver)\_\_\_\_\_

83-55)

\* 86-223 Morton Thiokol (JTM)(due 5/28)\_\_\_\_\_

\* 87-12 Emergency Technical Services (JM)(due 5/28)\_\_\_\_\_

\* 87-16 City of Lockport (RF)(due 6/11)\_\_\_\_\_

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**REGULATORY DISCUSSIONS:**

R82-27) Procedural Rules, Part 105 (JTM)\_\_\_\_\_

R82-36)

R83-37)

R84-45 Gifford-Hill, modification of April 30, 1987 Board Order (JA)\_\_\_\_\_

R85-21 VOC, Final Notice (RF)\_\_\_\_\_

(A)

R86-9 Hazardous Waste Prohibition (JD)\_\_\_\_\_

R86-12 RACT, Polystyrene, Proposed Rule, First Notice (BF)

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R86-17 Deoxygenating Wastes, Proposed Rule, Second Notice (JM)

(A)

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**AMENDED PETITIONS:**

87-39 Village of Roselle (filed 5/11)\_\_\_\_\_

**NEW CASES:**

87-43 IDOT, Winnetka Park District (JD) \_\_\_\_\_  
87-55 Joliet Sand & Gravel Company v. EPA \_\_\_\_\_  
87-56 Mt. Vernon Association, Inc. v. EPA \_\_\_\_\_  
87-57 Request for Site Approval for A.R.F.'s Facility filed  
before the County Board of Lake County (Cross-Appeal)  
(See motion to dismiss in PCB 87-51) \_\_\_\_\_  
87-58 Allied Corporation v. EPA (JD) \_\_\_\_\_  
87-59 Central Illinois Public Service v. EPA \_\_\_\_\_  
87-60 3M Company v. EPA \_\_\_\_\_  
87-61 IDOT, Gerhard Schulmeyer \_\_\_\_\_  
87-62 Riverside Laboratories, Inc. v. EPA \_\_\_\_\_  
87-63 Reynolds Metals Company v. EPA \_\_\_\_\_  
87-64 IDOT, Birchwood on the Lake Apts. (JD) \_\_\_\_\_

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**AC APPEALS:**

\*\* 87-28 Bi-State Disposal \_\_\_\_\_

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**NEW AC FILINGS:**

87-38 John and Diann Lybarger \_\_\_\_\_  
87-40 Browning-Ferris Industries \_\_\_\_\_  
87-41 Bergbower Landfill, Inc. \_\_\_\_\_  
87-42 Martha A. Smith and Donald Jones \_\_\_\_\_  
87-43 Arthur A. Daniels \_\_\_\_\_  
87-44 Browning-Ferris Industries \_\_\_\_\_  
87-45 Glen Buelter and William H. DeJarnette \_\_\_\_\_

MINUTES:

April 30, 1987 \_\_\_\_\_



PENDING CASES ASSIGNED:

81-151 Dean Food (BF)  
83-132 Dunn Company (BF)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
85-19 Monsanto (BF)  
85-136 Navem Patel (BF)  
\* 85-154 Modine Manufacturing (RF)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
\* 85-179 Camsco Produce (JTM)(due 7/16)  
\* 85-190 Sours Grain (JD)(open waiver)  
\* 85-209 Village of Carol Stream (RF)(due 11/19)  
85-218 City of Belleville CSO (JD)  
85-224 Aurora S.D. CSO (BF)  
86-4 City of Morris CSO (JD)  
86-6 City of Wood River CSO (JD)  
86-50 Chicago Steel (RF)  
86-56 Trilla Steel Drum (JD)  
\* 86-150 American Hoechst (JM)(open waiver)  
\* 86-174 IBP, Inc. (JM)(due 7/16)  
\* 86-185 Citizens Utilities (JA)(due 9/3)  
\* 86-213 City of South Beloit (JM)(due 6/25)  
\* 86-222 Vickory Manor (JM)(due 9/17)  
\* 86-225 City of Geneva (JA)(due 8/20)  
\* 87-15 Honeywell, Inc. (BF)(due 9/3)  
\* 87-29 John Ash, Sr. (RF)(due 6/25)  
\* 87-34 A.R.F. Landfill (JM)(due 6/25)  
\* 87-36 Peter Valessares (JD)(due 6/25)  
\* 87-37 City of Oglesby (JD)(due 7/16)  
\* 87-40 Commonwealth Edison (JM)(due 7/16)  
\* 87-48 Department of the Air Force (RF)(due 8/6)