

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
AUGUST 6, 1987 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #83-132, Dunn Company, by a vote of 5-1. J. Theodore Meyer dissented and J. Dumelle concurred. (BF)

Opinions and Orders were adopted in these cases by a vote of 6-0: ##85-53, -54, -102, -175, -176, Continental Grain. (JM)

An Interim Order was adopted in #86-4, City of Morris CSO, by a vote of 6-0. (JD)

An Opinion and Order was adopted in #86-134, Nabisco Brands, by a vote of 6-0. (JM)

An Order was adopted in #86-167, The Steel Company, by a vote of 6-0. (JA)

An Opinion and Order was adopted in #87-49, Gerald Clutts, by a vote of 6-0. B. Forcade concurred. (JA)

A Proposed Rule, Second Notice, Opinion and Order was adopted in R82-14, RACT III (Heatset Web Offset), by a vote of 6-0. (BF)

A Proposed Rule, First Notice, Order was adopted in R86-10, Pharmaceutical Industry, by a vote of 6-0. (JD)

A Proposed Rule, Second Notice, Opinion and Order, was adopted in R86-12, RACT (Polystyrene), by a vote of 6-0. (BF)

An Adopted Rule, Final Opinion and Order, was adopted in R86-17(A), Deoxygenating Wastes, by a vote of 6-0. J. Dumelle concurred. (JM)

A Proposed Rule, First Notice, Opinion and Order, was adopted in R86-18, Generic Rule - VOC, by a vote of 6-0. (JM)

An Interim Order was adopted in R86-31, CIPS SO₂, by a vote of 6-0. (BF)

An Order was adopted in R86-39, SO₂MI VOC, by a vote of 6-0. (JD)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-54, Roy Porter; 87-55, James L. Watts; 87-57, M.I.G. Investments; 87-59, Gerald and Rutherford Rhodes; 87-60, Mary Chasteen and the City of Troy; 87-63, Patricia Coraissant;

87-65, Airline Towing; 87-67, City of Rochelle.

Motion for leave to withdraw petition for review was granted and unless already paid, the Respondent was ordered to pay the \$1,000.00 penalty within 30 days in #AC87-18, City of Sterling, by a vote of 6-0. (JD)

Agency motion to dismiss in #AC87-58, Dale Wells, was granted by a vote of 6-0. (JD)

Agency motion to withdraw in #AC87-72, Glenn Groezinger, was granted by a vote of 6-0. (JD)

Motion for Stay in #83-163, J. Max Mitchell, was denied by a vote of 6-0. (RF)

Motion to amend the Briefing schedule in #85-154, Modine Manufacturing, was granted by a vote of 6-0. (RF)

Agency motion to strike was denied as moot and Petitioner's motion for relief from Final Order in #86-21, Allied-Hastings, was construed as a new petition for variance and will be docketed as PCB 87-123. Petitioner was directed to file an amended petition which contains a compliance plan and which otherwise incorporates and updates the prior record in this matter within 45 days or petition will be subject to dismissal. A hearing will be held after receipt of a complete and sufficient amended petition. (JA)

Motion for modification of a June 25, 1987 Board Order was granted in part and denied in part in #86-9, -56, Trilla Steel Drum, by a vote of 6-0. (JD)

Motion to voluntarily dismiss the permit appeal in #86-64, Abbott Laboratories, was granted by a vote of 6-0. (BF)

Motion for modification of a January 8, 1987 Board Order in #86-152, Chanute AFB, was granted by a vote of 6-0. (RF)

Agency motion to file Instanter its Recommendation in #87-39, Village of Roselle, was granted by a vote of 6-0. (JA)

Motion for expedited consideration in #87-63, Reynolds Metals, was granted by a vote of 6-0. (JTM)

Agency motion for leave to file Instanter its Recommendation in #87-79, City of Batavia, was granted by a vote of 6-0. (JA)

Agency motion to require Petitioner to amend its variance petition or in the alternative to dismiss Petitioner's variance petition in #87-94, Riverside Coatings, was denied by a vote of 6-0. (JA)

These cases were discussed and held to August 20, 1987 for

possible consideration: ##83-49, Alton Packaging; 87-30, Chicago Central and Pacific.

These regulatory matters were discussed and held to August 20, 1987 for possible consideration: R85-14, PWS Amendments; R85-26, WIPCO Site-Specific.

In amended petitions these actions were taken by a vote of 6-0: ##87-44, Arlington Park, hearing authorized, **Order by B. Forcade**; 87-50, Pike County Sand and Gravel, Agency motion to dismiss Petitioner's First claim was denied and motion for extension of time to file Agency Record was granted, and a hearing was authorized, **Order by J. Anderson**; 87-67, American National Can, **120-day decision date restarted**; 87-83, Village of North Aurora, held for an Agency Recommendation; 87-94, Riverside Coatings, additional information requested, **Order by J. Anderson**.

In new cases these actions were taken by a vote of 6-0: ##87-81, Illinois Department of Transportation, Northwestern University, **Chairman authorized to sign the permit document and to prepare an Order**; 87-87, Illinois Department of Transportation, Donald Schiller, **Chairman authorized to sign the permit document and to prepare an Order**; 87-95, Illinois Department of Transportation, E.B. Smith and J. Simpson, **Chairman authorized to sign the permit document and to prepare an Order**; 87-96, Illinois Department of Transportation, James Errant and Jeffery Grossman, **Chairman authorized to sign the permit document and to prepare an Order**; 87-102, Shell Oil Company v. EPA, hearing authorized, **Order by B. Forcade**; 87-103, City of Crystal Lake v. EPA, Village of Lake in the Hills petition to intervene was granted and a hearing was authorized, **Order by B. Forcade**; 87-104, People of the State of Illinois v. Continental Grain Company, hearing mandatory; 87-105, Bloomington and Normal Sanitary District v. EPA, hearing authorized, **Order by B. Forcade**; 87-106, Illinois Department of Transportation, Mr. & Mrs. Michael Levitas, **docket opened to allow the Board additional time to review the project**; 87-107, Lake County Public Works Department v. EPA, additional information requested, **Order by B. Forcade**; 87-108, Clark Oil and Refining Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 87-110, Pfizer Pigments, Inc. v. EPA, additional information requested, **Order by B. Forcade**; 87-111, Howard S. Spurgeon, additional information requested, **Order by J. Dumelle**; 87-112, Illinois Department of Transportation, G.T. Sherman, **docket opened to allow the Board additional time to review the project**; 87-113, Illinois Department of Transportation, Ralph Falk II and Frank Heurich, **docket opened to allow the Board additional time to review the project**; 87-114, Village of Willowbrook v. EPA, held for an Agency Recommendation; 87-115, Fred H. Nielsen, Jr. and Nielsen Development v. EPA, Lake Villa ordered to be made a party and additional information requested, **Order by J. Dumelle**; 87-116, Industrial Services, Inc. v. EPA, Held for an Agency Recommendation; 87-118, Illinois Department of Transportation, Mr. and Mrs. William Friedman, **Chairman authorized to sign the permit document and to prepare an Order**;

87-119, Jade Technologies, Inc. v. EPA, provisional variance granted, **Order by J. Dumelle**; 87-120, Tara Corp. Industries v. EPA, provisional variance granted, **Order by J. Dumelle**; 87-121, Applied Composites v. EPA, provisional variance granted, **Order by J. Dumelle**; 87-122, Wabash and Lawrence Counties Taxpayers and Water Drinkers Association and Kenneth Phillips v. County of Wabash and K.C. Reclamation, Inc., hearing authorized, **Order by B. Forcade**; R77-2, Central Illinois Public Service Site-Specific, accepted for publication and 200 signature requirement waived, **Order by B. Forcade**; R87-23, New Source Performance Standards, **Resolution and Order by J. Dumelle**; R87-24, NESHAPS, **Resolution and Order by J. Dumelle**.

In these new cases these actions were taken by a vote of 5-1: ##87-109, John M. Phillips v. EPA, case recaptioned and hearing authorized, J. Theodore Meyer dissented, **Order by B. Forcade**; 87-117, University of Illinois at Chicago v. EPA, additional information requested, J. Dumelle dissented, **Order by J. Anderson**.

An Order directing the Agency to file its response to Respondent's motion to suppress and motion to dismiss on or before August 11, 1987 in #AC87-53, Irene Brawner, was adopted by a vote of 6-0. **(JA)**

These Administrative Citation appeals will be set for hearing: ##87-56, Gary Largent; 87-61, Waste Management; 87-64, Carl Parsons; 87-66, John E. Flessner; 87-68, Arthur A. Daniels.


These Administrative Citations were received by the Board: ##87-74, Lakewood/Corley; 87-75, Loren Dowty; 87-76, Industrial Salvage and Jackson County Landfill; 87-77, Industrial Salvage and Jackson County Landfill; 87-78, Ralph Crescenzo and First National Bank of Chicago Heights; 87-79, Waste Management.

Minutes of the July 16, 1987 Board Meeting were approved by a vote of 6-0.

Agency motion to file Instantly its Recommendation in #87-35, Village of Minooka, was granted by a vote of 6-0. **(JA)**

All other matters not disposed of as listed were ordered held to August 20, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 20th day of August, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
AUGUST 6, 1987 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 83-132 Dunn Company (BF) _____
- 83-150 Archer Daniels Midland (JD) _____
- 85-53 Continental Grain (JM) _____
- 85-54 Continental Grain (JM) _____
- 85-102 Continental Grain (JM) _____
- 85-175 Continental Grain (JM) _____
- 85-176 Continental Grain (JM) _____
- 86-4 City of Morris CSO, Interim Order (JD) _____
- 86-6 City of Wood River CSO (JD) _____
- 86-134 Nabisco Brands (JM) _____
- 86-167 EPA v. The Steel Company, Order (JA) _____
- * 87-49 Gerald Clutts (JA)(due) _____
- R82-14 RACT III (Heatset Web Offset), Proposed Rule, Second
Notice, Opinion and Order (BF) _____
- R82-27) Procedural Rules, Part 102, Site-Specific, Second Notice
R82-36) Order (JTM) _____
R83-37)
- R82-27) Procedural Rules, Part 105 (JTM) _____
R82-36)
R83-37)

*INDICATES VARIANCE OR PERMIT APPEAL

**INDICATES ADMINISTRATIVE CITATION APPEAL

DECISIONS: (Cont'd)

- R86-10 Pharmaceutical Industry, Proposed Rule, First Notice,
Order (JD)_____
- R86-12 RACT (Polystyrene), Proposed Rule, Second Notice,
Opinion and Order (BF)_____
- R86-17 Deoxygenating Wastes, Adopted Rule, Final Opinion and
(A) Order (JM)_____
- R86-18 Generic Rule - VOC, Proposed Rule, First Notice, Opinion
and Order (JM)_____
- R86-31 CIPS SO₂, Proposed Rule, First Notice, Proposed Opinion
and Order (JM)_____
- R86-39 SOCM I VOC (Correction to First Notice)(JD)

- R86-40 Air Oxidation SOCM I (Correction to First Notice)(JD)

AC DECISIONS:

- 87-54 Roy Porter_____
- 87-55 James L. Watts_____
- 87-57 M.I.G. Investments_____
- 87-59 Gerald D. Rhodes_____
- 87-60 Mary Chasteen_____
- 87-63 Patricia Coraissant_____
- 87-65 Airline Towing, Inc._____
- 87-67 City of Rochelle_____

AC MOTIONS:

- 87-18 City of Sterling - motion for leave to withdraw petition
for review (8/3)_____
- 87-58 Dale Wells - Agency motion to dismiss (7/20)

AC MOTIONS: (Cont'd)

87-72 Glenn Groezinger - Agency motion to withdraw (7/24)

MOTIONS:

83-163 J. Max Mitchell - motion for Stay (7/20)(RF)

85-154 Modine Manufacturing - motion to amend Briefing schedule (7/24)(RF)

86-21 Allied-Hastings - motion for relief from Final Order (7/10), Agency motion to strike and response to motion for relief from Final Order (7/22), Petitioner's response to motion to strike and response to motion for relief from Final Order (7/31)(JA)

86-56 Trilla Steel Drum - motion for modification of June 25, 1987 Board Order (7/16), Agency objection to motion for modification (7/31)(JD)

86-64 Abbott Laboratories - motion to voluntarily dismiss permit appeal (7/28)(BF)

86-152 Chanute AFB - motion for modification of January 8, 1987 Board Order (7/10)(RF)

87-39 Village of Roselle - Agency motion to file Recommendation Instanter (7/22)(JA)

87-40 Commonwealth Edison - motion to dismiss (6/29)(JM)

87-51 A.R.F. Landfill - motion for leave to file Brief as Amicus Curiae (7/28)(JD)

87-63 Reynolds Metals - motion for expedited consideration (7/23), Agency response to motion for expedited consideration (8/4)(JTM)

87-76 Gertrude Guerrettaz - motion to withdraw by John & Emma Yager (6/30)(BF)

87-79 City of Batavia - motion for leave to file Agency response and Recommendation Instanter (8/4)(JA)

MOTIONS: (Cont'd)

87-94 Riverside Coatings - Agency motion to require Petitioner to amend its variance petition or in the alternative to dismiss Petitioner's variance petition (7/28)

DISCUSSIONS:

- * 83-49 Alton Packaging (RF)(open waiver)_____
- * 87-30 Chicago Central & Pacific (JA)(due 8/20)_____
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REGULATORY DISCUSSIONS:

R85-14 PWS Amendments (JA)_____

R85-26 WIPCO Site-Specific (RF)_____

AMENDED PETITIONS:

87-44 Arlington Park (filed 8/3)_____

87-50 Pike County Sand & Gravel (filed 7/23)(See also Agency motion to dismiss Petitioner's First claim; amended appearance--special appearance, motion for extension of time to file Agency Record (8/4), Petitioner's response to motion to dismiss, special appearance and motion for extension of time (8/5)_____

87-67 American National Can (filed 7/27)_____

87-83 Village of North Aurora (filed 8/3)_____

87-94 Riverside Coatings (filed 8/3)_____

NEW CASES:

87-81 IDOT, Northwestern University (JD)_____

87-87 IDOT, Donald Schiller (JD)_____

87-93 Commonwealth Edison Company (Joliet Generating Station)

87-95 IDOT, E.B. Smith & J. Simpson (JD)_____

NEW CASES: (Cont'd)

87-96 IDOT, James Errant & Jeffery Grossman (JD)_____

87-102 Shell Oil Company v. EPA_____

87-103 City of Crystal lake v. EPA (Also see letters of
objection dated 7/23 and 8/3)(BF)_____

87-104 People v. Continental Grain Company_____

87-105 Bloomington & Normal S.D. v. EPA (Also see Petitioner's
motion for corrected Permit Appeal (7/29))

87-106 IDOT, Mr. & Mrs. Michael Levitas_____

87-107 Lake County Public Works Dept. v. EPA_____

87-108 Clark Oil & Refining Corp. v. EPA_____

87-109 John M. Phillips v. EPA_____

87-110 Pfizer Pigments, Inc. v. EPA_____

87-111 Highview Estates Subdivision v. EPA_____

87-112 IDOT, G.T. Sherman_____

87-113 IDOT, Ralph Falk II & Frank Heurich_____

87-114 Village of Willowbrook v. EPA_____

87-115 Fred H. Nielsen, Jr. and Nielsen Development v. EPA

87-116 Industrial Services, Inc. v. EPA_____

87-117 University of Illinois at Chicago v. EPA_____

87-118 IDOT, Mr. & Mrs. William Friedman (JD)_____

R87-22 Central Illinois Public Service Site-Specific

R87-23 New Source Performance Standards, Resolution and Order
of the Board (JD)_____

R87-24 NESHAPS, Resolution and Order of the Board (JD)

AC APPEALS:

- ** 87-53 Irene Brawner (See also motion to suppress and motion to dismiss 7/20)) _____
- ** 87-56 Gary Largent _____
- ** 87-61 Waste Management _____
- ** 87-64 Carl Parsons _____
- ** 87-66 John E. Flessner _____
- ** 87-68 Arthur A. Daniels _____

NEW AC FILINGS:

- 87-74 Lakewood/Corley _____
- 87-75 Loren Dowty _____
- 87-76 Industrial Salvage & Jackson County Landfill _____
- 87-77 Industrial Salvage & Jacison County Landfill _____
- 87-78 Ralph Crescenzo & First National Bank of Chicago Heights

- 87-79 Waste Management _____

MINUTES:

July 16, 1987 _____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
* 83-55 Alton Packaging (RF)(open waiver)
84-64 Rodger Diamond (JD)
84-83 Russell Perkinson (JM)
84-91 Medina Utilities et al. (JA)
84-93 S.C. Industries (BF)
84-124 Overnite Trucking (BF)
85-19 Monsanto (BF)
* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
* 85-118 City of Rock Island (RF)(open waiver)
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 10/1)
* 85-190 Sours Grain (JD)(open waiver)
* 85-209 Village of Carol Stream (RF)(due 4/21/88)
85-218 City of Belleville CSO (JD)
85-224 Aurora S.D. CSO (BF)
86-27 Modine Manufacturing (RF)
86-50 Chicago Steel (RF)
86-51 Super Container Company (JA)
86-136 Par Steel Products (JD)
* 86-150 American Hoechst (JM)(open waiver)
86-161 Elizabeth Street Foundry (JD)
86-167 The Steel Company (JA)
* 86-174 IBP, Inc. (JM)(open waiver)
* 86-185 Citizens Utilities (JA)(due 10/29)
* 86-187 The New Jersey Zinc (JD)(open waiver)
86-193 City of Freeport (JD)
* 86-222 Vickory Manor (JM)(due 9/17)
* 86-224 General Tire (BF)(due 10/15)
* 87-15 Honeywell, Inc. (BF)(due 9/3)
* 87-35 Village of Minooka (JA)(due 9/17)
* 87-38 Dept. of the Army (JM)(due 9/3)
* 87-39 Village of Roselle (JA)(due 9/3)
* 87-40 Commonwealth Edison (JM)(due 10/1)
* 87-48 Department of the Air Force (RF)(due 9/17)
* 87-51 A.R.F. Landfill (JD)(due 9/17)
87-52 Battery Builders (JM)
* 87-63 Reynolds Metals (JTM)(due 10/1)
* 87-69 Village of Romeoville (JTM)(due 11/19)
87-71 City of Dixon CSO (JM)
* 87-75 Waste Management (RF)(due 11/19)
* 87-76 Gertrude Guerrettaz (BF)(due 9/17)
* 87-79 City of Batavia (JA)(due 10/1)
* 87-92 City of Rockford (JA)(due 10/15)

PENDING AC CASES ASSIGNED:

86-16 Village of Rantoul (JD)
87-6 James Pressnall (JM)