

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
APRIL 21, 1988 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present.

A Final Order was adopted in #83-132, Dunn Company, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #84-124, Overnite Trucking, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

An Opinion and Order was adopted in #85-18, Concentrate Corporation, by a vote of 7-0. (JD)

Consistent with the Appellate Court Order, the Clerk was instructed to assign a Hearing Officer in #85-137, Fred E. Jurcak. The vote was 7-0. (JD)

The Board entered an Order in #86-147, CIPS, ordering the Agency to delete Condition 2 in Permit I.D. No. 137805 AAA issued August 8, 1986 for Petitioner's Meredosia Station. The vote was 7-0. (JD)

An Opinion and Order was adopted in #88-4, Village of Elburn, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JTM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R83-23, Tuscola Site-Specific, by a vote of 7-0. J. Dumelle concurred. (JM)

A Proposed Rule, First Notice, Opinion and Order was adopted in R86-3, North Shore Sanitary District Site-Specific, by a vote of 7-0. J. Dumelle concurred. (BF)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R86-30, Shell Oil Site-Specific, by a vote of 7-0. (JTM)

A Proposed Rule, First Notice, Order was adopted in R87-34, City of Rock Island Site-Specific, by a vote of 7-0. (JA)

A Proposed Rule, First Notice, Order was adopted in R87-35, City of East Moline Site-Specific, by a vote of 7-0. (JA)

A Proposal for Public Comment, Proposed Opinion and Order were adopted in R88-2, UIC Update (July 1, 1987 through December 31, 1987), by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##87-116, Grimms Landfill; 88-7, PDC Services, Inc.; 88-18, Browning-Ferris; 88-20, Jack Grimm; 88-21, Steve Zimmerman.

Respondent's motion to dismiss Petition for Review was granted in #AC87-61, Waste Management, by a vote of 7-0. (JD)

Respondent's motion to withdraw Petition for Review was granted in #AC87-76, Industrial Services, by a vote of 7-0. (JD)

Respondent's motion to dismiss Petition for Review was granted in #AC87-79, Waste Management, by a vote of 7-0. (JD)

Motion to dismiss Petition for Review was granted in #AC87-108, Lake County Grading, by a vote of 7-0. (JD)

Agency motion to file an amended Administrative Citation was granted in #AC87-125, Merle Buerkett, by a vote of 7-0. (JD)

Motion for leave to file Instanter an amended Administrative Citation and motion to dismiss was granted in #AC88-22, Waste Management, by a vote of 7-0. (JD)

Agency motion for extension of time was granted in #83-49, Alton Packaging, by a vote of 7-0. (RF)

Petitioner's motion to withdraw was granted in #85-82, Borden, by a vote of 7-0. (BF)

Motion in Limine and motion Subsequent to Entry of Final Order were denied in #85-136, Navem Patel, by a vote of 7-0. (BF)

Motion to modify a May 9, 1986 Board Order in #85-212, Village of Morton, was held to May 5, 1988 for possible consideration.

The Board decided that no action was needed on an emergency motion to continue the hearing in #87-62, Riverside Laboratories.

Respondent's motion to dismiss was denied in #87-191, Moss-American, by a vote of 7-0. (BF)

Motion to dismiss or in the alternative to dismiss Count I or Stay Proceedings on Count I of Complaint in #88-36, Mervis Industries, was held to May 5, 1988 for possible consideration.

Motion for leave to file Instanter an amended petition for hearing was granted in #88-43, Gerald Clutts, by a vote of 7-0. (MN)

Motion for voluntary dismissal of petition for hearing was granted in #88-49, City of Troy, by a vote of 7-0. (BF)

An Order was adopted in #88-59, Sonoco, on a motion for Stay of

conditions by a vote of 7-0. (BF)

These cases were discussed and held to May 5, 1988 for further discussion or possible decision: #84-136, Browning-Ferris Industries; 85-190, Sours Grain; 87-173, John Ash; 87-194, Transcraft Corporation; 87-198, County of Lake; 87-206, C.S. Norcross; 88-11, City of Geneva; 88-24, Daubs Landfill; 88-27, Laidlaw Waste Systems.

McHenry County Defenders motion to certify questions of Law to the Appellate Court was denied in #88-39, Waste Management, by a vote of 6-1. J. Theodore Meyer dissented and B. Forcade concurred. (JA)

These regulatory matters were discussed and held to May 5, 1988 for further discussion or possible decision: R82-1(B), Opacity; R85-14, Public Water Supplies Restricted Status Amendments; R85-29, Disinfection; R88-8, Waste Disposal Site Census; R88-13, Public Water Supplies Fluoride Standard Amendment.

An Order was adopted in R85-29, Disinfection, construing the motion for reconsideration filed by Illinois American Water Company as an appeal of the Hearing Officer Order. The Hearing Officer Order was upheld. The vote was 6-1. J. Dumelle dissented. (RF)

An Order opening a docket to consider relaxation of the fluoride standard so as to be consistent with USEPA requirements was adopted in R88-13, Public Water Supplies Fluoride Standard Amendment, by a vote of 7-0. (JA)

The 120-day decision time clock was restarted in amended petition #87-136, Roadmaster Corporation.

In new cases these actions were taken by a vote of 7-0: #88-26, Illinois Department of Transportation, Chicago Park District, **Chairman authorized to sign the permit document and to prepare an Order**; 88-67, City of Highland v. EPA, additional information requested, **Order by B. Forcade**; 88-68, Trojan Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-69, Scott Air Force Base, Department of the Air Force v. EPA, additional information requested, **Order by J. Dumelle**; 88-70, City of LaSalle CSO, held to May 5, 1988 Board Meeting; 88-71, EPA v. Allen Barry, hearing Mandatory.

These Administrative Citations were received by the Board: #88-29, Jack Grimm; 88-30, Waste Limited, Inc.; 88-31, Waste Management; 88-32, Western Lion, Ltd.

Minutes of the April 7 and April 15, 1988 Board Meetings were approved by a vote of 7-0.

By a vote of 7-0 the Board approved the following meeting schedule for FY 89 which will be announced in the Board's

Environmental Register:

1988

July 13  
August 4, 18  
September 8, 22  
October 6, 20  
November 3, 17  
December 1, 15

1989

January 5, 19  
February 2, 23  
March 9, 23  
April 6, 27  
May 11, 25  
June 8, 22

In other new cases these actions were taken by a vote of 7-0: #88-72, IBP, Inc. v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 88-73, City of Centralia v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle.** (Thereafter the meeting was adjourned until 1:30 p.m.)

P.M. SESSION

The meeting was called to order at 1:35 p.m.

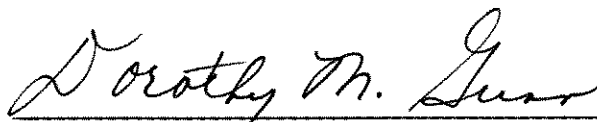
An Emergency Rule, Final Adoption, Opinion and Order was adopted in R88-12, Managing Tire Accumulations to Limit the Spread of the Asian Tiger Mosquito. (JM)

An amended petition filed in #88-47, Reilly Tar and Chemical, was ordered held for an Agency Recommendation.

There being no further business the meeting was adjourned at 1:45 p.m.

All other matters not disposed of as listed were ordered held to May 5, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 54 day of May, 1988 by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 21, 1988 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- 83-132 Dunn Company (BF)\_\_\_\_\_
- 84-124 Overnite Trucking (BF)\_\_\_\_\_
- 85-18 Concentrate Corporation (JD)\_\_\_\_\_
- 85-137 Fred E. Jurcak (Remand), Board Order (JD)  
\_\_\_\_\_
- 86-147 CIPS (Remand), Order (JD)\_\_\_\_\_
- \* 88-4 Village of Elburn (JTM)(due)\_\_\_\_\_
- R83-23 Tuscola Site-Specific, Adopted Rule, Final Order (JM)  
\_\_\_\_\_
- R86-3 North Shore Sanitary District Site-Specific, First  
Notice (BF)\_\_\_\_\_
- R86-30 Shell Oil, Proposed Rule, First Notice, Proposed Opinion  
and Order (JTM)\_\_\_\_\_
- R87-34 City of Rock Island Site-Specific, Proposed Rule, First  
Notice, Order (JA)\_\_\_\_\_
- R87-35 City of East Moline Site-Specific, Proposed Rule, First  
Notice, Order (JA)\_\_\_\_\_
- R88-2 UIC Update (July 1, 1987 through December 31, 1987),  
Proposal for Public Comment, Proposed Opinion and Order  
(JA)\_\_\_\_\_
- R88-12 Managing Tire Accumulations to Limit the Spread of the  
Asian Tiger Mosquito, Emergency Rule, Final Adoption  
(JM)\_\_\_\_\_

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

AC DECISIONS:

- 87-116 Grimms Landfill
- 88-7 PDC Services, Inc.
- 88-18 Browning-Ferris
- 88-20 Jack Grimm
- 88-21 Steve Zimmerman
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AC MOTIONS:

- 87-61 Waste Management - Respondent's motion to dismiss  
Petition for Review (4/13)
- 87-76 Industrial Services - Respondent's withdrawal of  
Petition for Review (4/18)
- 87-79 Waste Management - Respondent's motion to dismiss  
Petition for Review (4/13)
- 87-108 Lake County Grading - motion to dismiss Petition for  
Review (4/8)
- 87-125 Merle Buerkett - Agency motion to file an amended  
Administrative Citation (4/14)
- 88-22 Waste Management - motion for leave to file Instanter an  
Amended Administrative Citation (4/11)(See also Petition  
for Review (4/7) and motion to dismiss (4/19))
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MOTIONS:

- 83-49 Alton Packaging - motion for reconsideration and  
rehearing (3/31), Agency motion for extension of time  
(4/20)(RF)
- 85-82 Borden - Petitioner's motion to withdraw its appeal  
(4/14)(BF)
- 85-136 Navem Patel - Respondent's motion subsequent to a final  
Order et al. (3/31), Agency's objections to Respondent's  
motion subsequent to entry of final Order (4/18)(BF)
- 85-212 Village of Morton - motion to modify May 9, 1986 Board  
Order (4/11)(RF)
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MOTIONS: (Cont'd)

- 87-62 Riverside Laboratories - Emergency motion to continue hearing (4/15)\_\_\_\_\_
- 87-191 Moss-American - Complainant's motion to vacate Stay (3/17), Respondent's response to Complainant's motion to vacate Stay (3/30), Respondent's motion to dismiss (3/30), Complainant's objections to motion to dismiss (4/15), Respondent's motion to supplement motion to dismiss (4/18)(BF)\_\_\_\_\_
- 88-36 Mervis Industries - motion to dismiss or in the alternative to dismiss Count I or Stay Proceedings on Count I of Complaint (3/9), Agency response to motion to dismiss (3/22)(JA)\_\_\_\_\_
- 88-39 Waste Management - McHenry County Defenders motion to certify questions of Law to the Appellate Court (4/6), Petitioner's response to motion to certify questions of Law to the Appellate Court (4/13)(JA)\_\_\_\_\_
- 88-43 Gerald Clutts - motion for leave to file amended petition for hearing Instanter (4/18)(MN)\_\_\_\_\_
- 88-49 City of Troy - motion for voluntary dismissal of petition for hearing (4/8)(BF)\_\_\_\_\_
- 88-59 Sonoco Products - motion for Stay of permit conditions (4/4), Agency response to motion for Stay of permit conditions (4/18)\_\_\_\_\_

DISCUSSIONS:

- \* 84-136 Browning-Ferris (BF)(due 5/5)\_\_\_\_\_
- \* 85-190 Sours Grain (JD)(open waiver)\_\_\_\_\_
- \* 87-173 John Ash (RF)(due 5/19)\_\_\_\_\_
- \* 87-194 Transcraft Corporation (MN)(due 5/5)\_\_\_\_\_
- \* 87-198 County of Lake (See also motion to strike Intervenor Santopalo's written Public Comment (4/18) and response to motion to strike (4/19))(RF)(due 5/5)\_\_\_\_\_
- \* 87-206 C.S. Norcross (JD)(due 5/5)\_\_\_\_\_
- \* 88-11 City of Geneva (MN)(due 5/5)\_\_\_\_\_

**DISCUSSIONS: (Cont'd)**

- \* 88-24 Daubs Landfill (JTM)(due 5/19)\_\_\_\_\_
- \* 88-27 Laidlaw Waste Systems (See also motion to strike  
(4/8))(JM)(due 5/19)\_\_\_\_\_
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**REGULATORY DISCUSSIONS:**

- R82-1 Opacity, Proposed Rule, Second Notice, Proposed Opinion  
(B) and Order (JD)\_\_\_\_\_
- R85-14 Public Water Supplies Restricted Status Amendments,  
Dismissal Order (JA)\_\_\_\_\_
- R85-29 Disinfection, Proposed Rule, Second Notice, Order (RF)  
\_\_\_\_\_
- R88-8 Waste Disposal Site Census, Proposed Rule, First Notice,  
(JA)\_\_\_\_\_
- R88- Public Water Supplies Fluoride Standard Amendment,  
Proposed Rule, First Notice (JA)\_\_\_\_\_
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**AMENDED PETITIONS:**

- 87-136 Roadmaster Corporation (filed 4/8; Hearing held and  
completed April 14, 1988)(MN)\_\_\_\_\_
- 88-47 Reilly Tar & Chemical filed (4/13)\_\_\_\_\_
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**NEW CASES:**

- 88-26 IDOT, Chicago Park District (JD)\_\_\_\_\_
- 88-67 City of Highland v. EPA\_\_\_\_\_
- 88-68 Trojan Corporation v. EPA (BF)\_\_\_\_\_
- 88-69 Scott Air Force Base, Department of the Air Force v. EPA  
\_\_\_\_\_
- 88-70 City of LaSalle CSO\_\_\_\_\_
- 88-71 EPA v. Allen Barry\_\_\_\_\_



NEW AC CASES:

88-29 Jack Grimm \_\_\_\_\_  
88-30 Waste Limited, Inc. \_\_\_\_\_  
88-31 Waste Management \_\_\_\_\_  
88-32 Western Lion, Ltd. \_\_\_\_\_

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MINUTES:

April 7, 1988 \_\_\_\_\_  
April 15, 1988 \_\_\_\_\_

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ADOPTION OF MEETING DATES FOR FY 89:1988

July 14  
August 4, 18  
September 8, 22  
October 6, 20  
November 3, 17  
December 1, 15

1989

January 5, 19  
February 2, 23  
March 9, 23  
April 6, 27  
May 11, 25  
June 8, 22

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)  
\* 83-55 Alton Packaging (RF)(open waiver)  
84-83 Russell Perkinson (MN)  
84-93 S.C. Industries (BF)  
85-19 Monsanto (BF)  
\* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
85-137 Fred Jurcak (Remand)(JD)  
\* 85-140 Citizens Utilities (JTM)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
\* 85-190 Sours Grain (JD)(open waiver)  
\* 85-203 City of Farmington (JD)(open waiver)  
\* 85-209 Village of Carol Stream (RF)(due 12/31)  
85-213 Village of Western Springs CSO (BF)  
85-224 Aurora Sanitary District CSO (RF)  
\* 86-150 American Hoechst (JD)(open waiver)  
86-197 Daubs Landfill (Remand)(JTM)  
\* 86-218 City of East Moline (JD)(open waiver)  
\* 87-7 Pearson Industries (MN)(open waiver)  
87-10 Island Lake Water Company (MN)  
87-19 Tammsco, Inc. (JD)  
\*\* 87-47 Chicago Heights Refuse (MN)  
\* 87-50 Pike County Sand & Gravel (JTM)(due 7/31)  
\* 87-69 Village of Romeoville (JTM)(due 7/12)  
87-71 City of Dixon CSO (RF)  
\* 87-127 City of East Moline (BF)(due 8/1)  
\* 87-131 Amerock Corporation (JM)(open waiver)  
\* 87-136 Roadmaster Corporation (MN)(due 8/8)  
87-139 Browning-Ferris Industries (JD)  
88-15 Mid-City Lithographers (JM)  
\* 88-18 Village of Sauget (JM)(due 6/16)  
\* 88-37 Village of Lake Villa (JA)(due 6/30)  
\* 88-39 Waste Management (JA)(due 6/16)  
\* 88-42 Village of Channahon (JA)(due 6/30)  
\* 88-43 Alexander County Board (MN)(due 6/30)  
\* 88-52 City of Ottawa CSO (RF)