

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
FEBRUARY 23, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #88-21, Rowe Foundry, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #AC 88-24 (Docket B), Bt-State Disposal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #AC 88-33 (Docket B), Bt-State Disposal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-79, R.R. Donnelley, by a vote of 7-0. (RF)

An Opinion in support of an Order entered previously in #88-139, John Sexton Contractors, was adopted by a vote of 5-2. J. Anderson and M. Nardulli dissented. (BF)

By a vote of 7-0, new cases #89-19, Daniel and Helen Lorden v. Sheridan South Condominiums Association and 89-29, Diane Marie Barry v. Village of Fox River Grove, were accepted for hearing. An Opinion and Order was adopted in #88-147, Village of Sugar Grove, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Opinion and Order was adopted in #88-177, Ekco Housewares, by a vote of 6-1. J. Theodore Meyer dissented. (JM)

An Opinion and Order was adopted in #AS 88-3, Allsteel, Inc., by a vote of 7-0. (JM)

An Order determining that an Economic Impact Study was not necessary in R87-34, Rock Island Site-Specific, was adopted by a vote of 7-0. (JA)

An Order determining that an Economic Impact Study was not necessary in R87-35, East Moline Site-Specific, was adopted by a vote of 7-0. (JA)

An Order determining that an Economic Impact Study was not necessary in R87-36, Modine Manufacturing Company Site-Specific, was adopted by a vote of 7-0. (RF)

An Order determining that an Economic Impact Study was not necessary in R88-20, Simkins Site-Specific, was adopted by a vote of 7-0. (RF)

In R88-23, SOCM1, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JD)

In R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JM)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-119, City of Belvidere; 89-1, Russell Harris; 89-3, City of Springfield, M. Nardulli concurred; 89-4, Western Lion; 89-5, Upper Rock Island; 89-6, Community Landfill; 89-7, Krohn Development; 89-8, John Blichkan; 89-9, Steve Loveall; 89-12, Carol Woodson; 89-16, Union Pacific Railroad; 89-17, Luther and Margaret Treadwell.

An Opinion and Order was adopted in #88-102, Morton Thokol, by a vote of 7-0. J. Dumelle concurred. (JA)

In #88-132, DMI, Inc., Board Member J. Anderson moved a draft Opinion and Order. An amendment by J. Dumelle was accepted and the Opinion and Order was then adopted by a vote of 7-0. J. Dumelle concurred. (JA)

In #AC 88-51, Piolet Brothers, an Agency motion to amend the Administrative Citation by striking Paragraph H will be taken with the case in chief.

By a vote of 7-0, Respondent's motion to withdraw its petition for Review was granted and unless already paid, the Respondent was ordered to pay a \$500.00 penalty within 30 days in #AC 88-73, John Sexton Contractors. (JD)

By a vote of 7-0, an Agency motion to dismiss Raymond Fauber as a Respondent was granted and unless already paid, the Respondent was ordered to pay a penalty of \$1,500.00 in #AC 88-118, Clevenger Contractors. (JD)

By a vote of 7-0, an Agency motion to file its Status Report and Brief Instanter was granted and petitioner's motion for extension of time to file its Reply Brief was granted until March 3, 1989 in #85-137, Fred Jurcak. (MN)

By a vote of 6-1, an Order was adopted pursuant to Petitioners motions for reconsideration in ##86-57, -62, -58, -63, Village of Saugat and Monsanto Company. The Board will address the matter of the Stay and the Motion to Vacate in a future Order. B. Forcade dissented. (RF)

By a vote of 7-0, an Interim Order requesting status reports from the Complainants and the Respondent by March 31, 1989, was adopted in #87-171, Archer Daniels Midland. (RF)

An Order was adopted pursuant to Petitioner's motion for reconsideration in #88-139, John Sexton Contractors, by a vote of

7-0. (BF)

Petitioner's motion to withdraw was granted in #88-143, Quantum Chemical, by a vote of 7-0. (BF)

An Agency motion to dismiss was denied in #88-151, Citizens Utilities, by a vote of 7-0. (RF)

Petitioner's motion for an extension of time to respond to a January 5, 1989 Board Order was granted until March 15, 1989 in #88-156, Trojan Corporation, by a vote of 7-0. (MN)

Petitioner's motion for an extension of time to respond to a January 5, 1989 Board Order was granted until March 15, 1989 in #88-168, Ensign-Bickford, by a vote of 7-0. (MN)

An Order was adopted pursuant to Complainant's motion for interim relief in #88-173, Village of Lake Zurich, by a vote of 7-0. (JTM)

By a vote of 7-0, the petitioner in #88-178, Indian Refining Company, was ordered to provide, within 10 days, such information as ordered by a January 19, 1989 Board Order in this matter. (JA)

Complainant's motion for an extension of time to file its response to Respondent's motion to reconsider was granted until March 3, 1989 in #88-183, City of Kankakee, by a vote of 7-0. (JM)

Agency motion for extension of time to file its Recommendation in #88-205, American National Can, was granted until March 10, 1989 by a vote of 7-0. (JD)

An Order was adopted pursuant to Complainant's motion for temporary relief and expedited hearing in #89-4, Elmhurst-Chicago Stone, by a vote of 7-0. (JA)

By a vote of 7-0, an Order was adopted pursuant to receipt of the statutory filing fee in #89-25, Can-Am Industries. (JM)

These cases were discussed and held to March 9, 1989 for further discussion or possible decision: #86-181, Village of Riverside; 88-180, City of Ottawa.

In amended petitions these actions were taken by a vote of 7-0: #88-97, Illinois Power Company, 120-day decision time clock restarted with its filing; 88-172, Allied-Signal, motion to file amended petition Instantly granted and the 120-day decision time clock restarted with its filing.

In new cases these actions were taken by a vote of 7-0: #89-26, Illinois Department of Transportation, City of Lake Forest, docket opened to allow the Board additional time to review the

project; 89-27, LCN Closers, Inc. v. EPA, additional information requested, Order by J. Dumelle; 89-28, Waste Management of Illinois, Inc. v. Village of Bensenville, accepted for hearing and petition found to be deficient for failure to submit a filing fee and unless the filing fee is received within 21 days the petition will be subject to dismissal, Order by B. Forcade; 89-30, Olin Corporation v. EPA, accepted for hearing, Order by B. Forcade; 89-31, Fansteel/Escaat, Inc., accepted for hearing and pursuant to petitioner's motion for stay and expedited decision the Board will make every effort to decide this matter as expeditiously as possible and will make no ruling on the motion for stay until the Agency has had an opportunity to respond, Order by B. Forcade; 89-32, Illinois Department of Transportation, City of Evanston, Chairman authorized to sign the permit document and to prepare an Order; 89-33, Fairview Area Citizens Task Force et al. v. Village of Fairview and Gallatin National Company, accepted for hearing, Order by B. Forcade; 89-34, Akzo Chemicals, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 89-35, Illinois Department of Transportation, Columbia Yacht Club, Chairman authorized to sign the permit document and to prepare an Order; 89-36, Illinois Department of Transportation, E. James Schneiders and Lloyd Ferguson, docket opened to allow the Board additional time to review the project; 89-37, Salt Creek Drainage Basin Sanitary District Sewage Treatment Plant, provisional variance granted, Opinion and Order by J. Marlin; 89-38, Honeywell, Inc.-Micro Switch Division v. EPA, provisional variance granted, Order by J. Marlin; 89-39, Hydro-Line Manufacturing Company v. EPA, provisional variance granted, Order by J. Marlin; 89-40, E.D. Etnyre and Company v. EPA, provisional variance granted, Order by J. Marlin.

Since petitions for Review were filed these Administrative Citations will be set for hearing: ##89-11, Letton Iron and Metal; 89-13, Jane E. Schwamberger; 89-14, Donald Ropp; 89-15, Robert Pratt; 89-18, J & R Landfill; 89-19, Caseyville/Nance; 89-20, Dupo/Hess.

These Administrative Citations were received by the Board: #89-25, Steve Zimmerman and Waste Limited; 89-26, Lincoln Chamber of Commerce; 89-27, Lincoln Christian College; 89-28, Harold E. Fulscher; 89-29, Lester D. Mechling; 89-30, Bath, Inc.; 89-31, Charles Rhodes; 89-32, Village of Bartonville; 89-33, Michael Gaddy; 89-34, Wayne Fisher; 89-35, Thomas Alexander; 89-36, City of Chicago Heights; 89-37, City of Dixon.

Minutes of the February 2 and February 9, 1989 Board meetings were approved by a vote of 7-0.

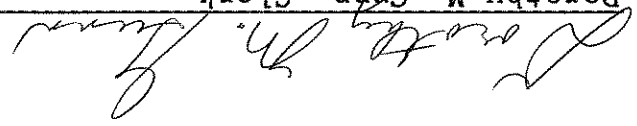
Motion to reconsider by R. Flernal was granted and upon reconsideration the Order in R88-22, Ammonia Water Standards, was rescinded by a vote of 7-0.

All other matters not disposed of as listed were ordered held to March 9, 1989 for further consideration.

The Board will hold a Special Board Meeting on Thursday, March 2, 1989.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 9th day of March, 1989 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD
 FINAL AGENDA
 FEBRUARY 23, 1989 CHICAGO, ILLINOIS
 CONFERENCE ROOM 9-040
 10:30 A.M.

DECISIONS:

88-21	*	Rowe Foundry (JD)(due)
88-24	AC	Bi-State Disposal (MN) (B)
88-33	AC	Bi-State Disposal (MN) (B)
88-79	*	R. R. Donnelley (RF)(open waiver)
88-102	*	Morton Thiokol (JA)(due)
88-132	*	DMI, Inc. (JM)(due)
88-139		John Sexton Contractors, Opinion (BF)
88-147	*	Village of Sugar Grove (JA)(due 4/27)
88-177		Ekco Housewares, Inc. (JM)
88-3	AS	Allsteel, Inc. (JM)
88-34		Rock Island Site-Specific, ECIS Determination (JA)
88-35		East Moline Site-Specific, ECIS Determination (JA)
88-36		Moline Company Site-Specific, Board Order (RF)
88-5		Procedural Rules, Second Second Notice, Proposed Opinion and Order (JTM) (A)

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- R88-20 Simkins Site-Specific, Board Order (RF)
- R88-23 SOCM1, Proposed Rule, Second Notice, Proposed Opinion and Order (JD)
- R88-24 Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849, Adopted Rule, Final Order, Opinion and Order (JM)

AC DECISIONS:

- 88-119 City of Belvidere
- 89-1 Russell Harris
- 89-3 City of Springfield
- 89-4 Western Lion, Ltd.
- 89-5 Upper Rock Island
- 89-6 Community Landfill
- 89-7 Krohn Development
- 89-8 John Bickhan
- 89-9 Steve Loveall
- 89-12 Carol Woodson
- 89-16 Union Pacific Railroad Company
- 89-17 Luther & Margaret Treadwell

AC MOTIONS:

- 88-51 Pilet Brothers - Agency motion to amend Administrative Citation by striking Paragraph H of the Citation (2/6)(RF)
- 88-73 John Sexton Contractors - Respondent's motion to withdraw Petition for Review (2/17)
- 88-99 John Vander - Agency motion to amend Citation and January 5, 1989 Board Order (2/14)

AC MOTIONS: (Cont'd)

88-118 Cleveland Contractors - Agency motion to dismiss Raymond Faber as Respondent (2/1)

MOTIONS:

85-137 Fred Jurcak - Petitioner's motion for extension of time to file Reply Brief (2/21), Agency motion to file Status Report and Brief Instanter (2/21)(MN)

85-140 Citizens Utilities - Petitioner's motion for rehearing (2/2), Agency response to motion for rehearing (2/14), Petitioner's reply to Agency's response to motion for rehearing (2/14)(MN)

86-57 Village of Sauget - Monsanto motion for reconsideration (1/19), Sauget motion for reconsideration and stay (1/19), Agency motion for reconsideration (1/19), Agency response to Petitioners' motions for reconsideration and stay (2/2), Village of Sauget's response to Agency's motion for reconsideration (2/2), Monsanto Company's reply to motions for reconsideration (2/2), Sauget motion to vacate proposed modified permit (2/14), Agency objection to Petitioner's motion to vacate proposed modified permit (2/22)(RF)

87-62 Riverside Laboratories - Agency motion for reconsideration of January 5, 1988 Board Order (2/8)(JD)

87-124 Modine Manufacturing - Petitioner's motion to reconsider (12/21), Agency response to Petitioner's motion to reconsider (1/6), Petitioner's motion for leave to file a reply in support of its motion to reconsider (1/18), Hearing Officer response to January 19, 1989 Board Order (1/30)(JTM)

87-171 Archer Daniels Midland - Interim Order, (RF)

87-191 Letton Iron & Metal - Kerr-McGee's Counterclaim (12/29), Respondent Kerr-McGee's response to January 19, 1989 Board Order (2/3), Complainants response to January 19, 1989 Board Order (2/21)(JM)

88-17 Marley-Ingold - Petitioner's motion for reconsideration (2/21)(BF)

MOTIONS: (Cont'd)

- 88-139 John Sexton Contractors - Petitioner's motion to reconsider and vacate February 2, 1989 Board Order (2/17), Agency's response to Petitioner's motion for reconsideration (2/22)(BF)
- 88-143 Quantum Chemical - Petitioner's motion to withdraw permit appeal (2/21)(BF)
- 88-151 Citizens Utilities - Agency motion to dismiss Petitioner's response to Agency motion to dismiss (2/21)(RF)
- 88-156 Trojan Corporation - Petitioner's motion for extension of time to respond to January 5, 1989 Board Order (2/17)(MN)
- 88-168 Ensign-Bickford - Petitioner's motion for extension of time to respond to January 5, 1989 Board Order (2/17)(MN)
- 88-173 Village of Lake Zurich - Complainant's motion for Interim Relief (1/10), Village of Lake Zurich response to Complainant's motion for Interim Relief (2/6), ESR/Anden Corporation and Liberty Lake Partnership response to Complainant's motion for Interim Relief (2/6), Lexington Development Corporation response to Complainant's motion for Interim Relief (2/7)(JTM)
- 88-178 Indian Refining Company - Agency response to January 19, 1989 Board Order (2/3)(JA)
- 88-183 City of Kanakee - Respondent's motion to reconsider January 5, 1989 Board Order (2/6), Complainant's motion for extension of time to file response to Respondent's motion to reconsider (2/21)(JM)
- 88-195 McLean County - Petitioner's motion for reconsideration and to reinstate (2/14)(JTM)
- 88-203 American National Can - Agency motion for extension of time to file Agency Recommendation (2/21)
- 89-3 Chemtco - Agency motion to dismiss and Memorandum in support of motion to dismiss (2/14)
- 89-4 Elmhurst-Chicago Stone - Complainant's motion for temporary relief and expedited hearing (1/31)

MOTIONS: (Cont'd)

R87-33 Amerock Corporation - Petitioner's motion for Board Order on Economic Impact Study (2/14)(JTM)

R88-22 Ammonia Water Standards - motion for rehearing by Citizens Utilities Company (2/6)(RF)

DISCUSSIONS:

86-181 Village of Riverside (BF)

88-180 City of Ottawa (MN)(due 5/11)

AMENDED PETITIONS:

88-97 Illinois Power Company (filed 2/17)(BF)

88-172 Allied-Signal (filed 2/21)(See also motion to file amended petition Instanter) (2/21)

NEW CASES:

89-19 Daniel & Helen Loden v. Sheridan South Condominiums Association (11:00 a.m.)

89-26 IDOT, City of Lake Forest

89-27 LCN Closers, Inc. v. EPA

89-28 Waste Management of Illinois, Inc. v. Village of Bensenville (BF)

89-29 Diane Marie Barry v. Village of Fox River Grove (11:00 a.m.)

89-30 Olin Corporation v. EPA (BF)

89-31 Fansteel/Escort, Inc. v. EPA

89-32 IDOT, City of Evanston (JM)

89-33 Fairview Area Citizens Task Force et al. v. Village of Fairview and Galatin National Company (See also motion in support of appeal (2/22))

NEW CASES: (Cont'd)

- 89-34 Akzo Chemicals, Inc. v. EPA (BF)
- 89-35 IDOT, Columbia Yacht Club (JM)
- 89-36 IDOT, E. James Schneiders and Lloyd Ferguson
- 89-37 Salt Creek Drainage Basis Sanitary District Sewage Treatment Plant (Provisional Variance)(JM)
- 89-38 Honeywell, Inc.-Micro Switch Division v. EPA (Provisional Variance)(JM)
- 89-39 Hydro-Line Manufacturing Company v. EPA (Provisional Variance)(JM)
- 89-40 E. D. Etnyre and Company v. EPA (Provisional Variance)(JM)

AC APPEALS:

- 89-11 Letton Iron & Metal
- 89-13 Jane E. Schwamberger
- 89-14 Donald Ropp
- 89-15 Robert Pratt
- 89-18 J & R Landfill
- 89-19 Caseyville/Nance
- 89-20 Dupo/Hess

NEW AC CASES:

- 89-25 Steve Zimmerman & Waste Limited
- 89-26 Lincoln Chamber of Commerce
- 89-27 Lincoln Christian College
- 89-28 Harold E. Fulscher
- 89-29 Lester D. Weching

NEW AC CASES: (Cont'd)

- 89-30 Bath, Inc.
- 89-31 Charles Rhodes
- 89-32 Village of Bartonville
- 89-33 Michael Gaddy
- 89-34 Wayne Fisher
- 89-35 Thomas Alexander
- 89-36 City of Chicago Heights
- 89-37 City of Dixon

MINUTES:

February 2, 1989

February 9, 1989 (Special Board Meeting)

PENDING CASES ASSIGNED:

83-55	*	Alton Packaging (RF)(open waiver)
84-92	*	Richard Krohn (JD)
85-95	*	Citizens Utilities (Remand)(JTM)(open waiver)
85-137		Fred Jurcak (MN)
85-166	*	Citizens Utilities (JTM)(open waiver)
86-27		Modine Manufacturing (Remand)(JA)
86-47	*	Fedders-USA (JD)(due 3/23)
86-161		Elizabeth Street Foundry (JD)
87-89		Cargill (Remand)(JM)
87-93		Commonwealth Edison (RF)
87-127	*	City of East Moline (BF)(due 9/29)
87-131	*	Amerock Corporation (JTM)(open waiver)
87-133		McLean County (Remand)(JTM)
87-139		Browning-Ferris (JD)
87-171		Archer Daniels Midland (RF)
87-209		Commonwealth Edison Company (JA)
88-2	AS	Stepan Company(JM)
88-14	AC	Arthur Daniels (JA)
88-16		Hinsdale Golf Club (BF)
88-51	AC	Pieliet Brothers (RF)
88-58	*	Quantum Chemical (BF)(due 7/21)
88-76	AC	E & E Hauling (JA)
88-77	AC	E & E Hauling (JA)
88-90	AC	James Esarey (JM)
88-110	*	County of Wabash (MN)(open waiver)
88-117	*	The BGoodrich Company (JTM)(due 4/6)
88-131	*	Ligma Corporation (RF)(open waiver)
88-151	*	Citizens Utilities (RF)(due 6/22)
88-156	*	Trojan Corporation (MN)(due 4/27)
88-158	*	Pioneer Processing (JM)(due 3/23)
88-168	*	Ensign-Bickford Company (due 4/27)
88-169	*	Caty Corporation (JM)(due 3/23)
88-171		Donna Hagan et al. (RF)
88-173		Village of Lake Zurich (JTM)
88-179	*	Marathon Petroleum (BF)(due 4/6)
88-190	*	Waste Management (RF)(due 4/6)
88-196	*	Koppers Company (JM)(due 5/25)
88-204	*	Village of Elburn (JM)(due 4/6)
89-14	*	Village of Montgomery (JM)(due 5/25)
89-15	*	A.R.F. Landfill (JD)(due 5/25)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 23, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

89-25

Can-AM Industries - Board Order (JM)