

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
MAY 11, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #87-171, Archer Daniels Midland, by a vote of 7-0. (RF)

An Interim Order was adopted in #88-201, City of Marion, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #89-14, Village of Montgomery, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JM)

In R87-2, Marathon Petroleum, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (BF)

In R87-6, Phosphorus Effluent Standards, a Proposed Rule, Second First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. J. Dumelle concurred. (JA)

In R88-22, Ammonia Water Standards, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (RF)

In R89-3, Pretreatment Regulations (July 1, 1988 through December 31, 1988), a Proposal for Public Comment, 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: ##89-61, B.J. Smith; 89-62, Irene McDonald; 89-64, W.W. Sanitation; 89-65, American Grading; 89-66, City of Casey.

Respondent's motion to dismiss for lack of jurisdiction was denied in #AC 89-18, J&R Landfill, by a vote of 7-0. (JM)

Agency motion to vacate an April 6, 1989 default Order and to dismiss the proceedings was granted in #AC 89-38, ESG Watts, by a vote of 7-0. (JM)

Agency motions for entry of a final Order and for leave to file a reply to Respondent's response to Complainant's motion for entry of a final Order will be taken with the case in chief.

A joint request to modify a February 2, 1989 Board Order was granted in #88-14, Minnesota Mining, by a vote of 7-0. (BF)

Respondent's motion to correct transcript was granted in #88-127, Koppers Company, by a vote of 7-0. (JD)

A request by the Association of Concerned Environmentalists to

declare the April 20, 1989 hearing invalid and to request another hearing was granted in part and denied in part in #88-172, Allied-Signal, by a vote of 7-0. (JD)

Petitioner's motion to dismiss the petition in #88-202, AT&T Information Systems, was granted by a vote of 7-0. (BF)

Petitioner's motion to dismiss was granted in #89-6, Rockford Products, by a vote of 7-0. (BF)

Petitioner's motion for admission of a Lake County Study in #89-15, A.R.F. Landfill, will be taken with the case in chief.

Agency motion for an extension of time to file its Recommendation was granted until May 31, 1989 in #89-58, Minnesota Mining, by a vote of 7-0. (JM)

Since objections were filed a hearing will be set in #89-63, John Metropoulos, after the amended petition is filed with the Board.

In R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849, an Order correcting a typographical error contained in an April 27, 1989 Adopted Rule Final Order and directing the Clerk to send corrected copies of page 30 to persons on the notice list, was adopted by a vote of 7-0. (JM)

These cases were discussed and held to May 25, 1989 for further discussion or possible decision: #86-161, Elizabeth Street Foundry; 87-133, McLean County; 88-16, Hinsdale Golf Club; 88-176, American National Can; 88-196, Koppers Company; 89-15, A.R.F. Landfill.

These regulatory matters were discussed and held to May 25, 1989 for further discussion: R88-23, SOCFI; R89-1, RCRA Update (August 1, 1988 through December 31, 1988), Proposal for Public Comment; R89-2, UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), Proposal for Public Comment.

By a vote of 5-2, the parties were ordered to advise the Board in writing no later than May 22, 1989 of the purpose and intent of the amended petition filed in #87-183, Container Corporation. Messrs. J. Dumelle and J. Theodore Meyer dissented. (JA)

In amended petition #88-131, Ligma Corporation, these actions were taken by a vote of 7-0: Petitioner's motion to file an amended petition was granted and the parties were ordered to address certain issues in appropriate filings no later than June 9, 1989. (RF)

In new cases these actions were taken by a vote of 7-0: #89-53, Lefton Iron and Metal Company, Inc. v. City of East St. Louis, accepted for hearing; 89-79, Joliet Army Ammunition Plant v. EPA, petition accepted and held for an Agency Recommendation and

Petitioner ordered to file within 21 days the statutory filing fee or a brief statement with support of any claim that the federal government is exempt from filing fees or the petition will be subject to dismissal, **Order by J. Theodore Meyer; 89-80, City of Byron v. EPA, provisional variance granted, Opinion and Order by J. Marlin; 89-81, American Nickeloid Company v. EPA, provisional variance granted, Order by J. Marlin; 89-82, Interlake v. EPA, provisional variance granted, Order by J. Marlin; R89-6, Elizabeth Street Foundry, Inc., Petition for a Site-Specific Rule Change, additional information requested, Order by J. Dumelle; R89-7, Continuous Monitoring Rules and Repeal of New Source Performance Standards and Hazardous Air Pollutant Regulations, Proposed Rule, First Notice, Opinion and Order by J. Dumelle.**

By a vote of 7-0, Respondent's petition for dismissal of the Administrative Citation in #AC 89-67, Merle Buerkett, was construed by the Board to be a Petition for Review and a hearing will be set. (JM)

An Order dismissing, without prejudice, Petitioner's request for an Adjusted Standard was adopted in AS 89-1, Demert & Dougherty, Inc., by a vote of 7-0. (JM)

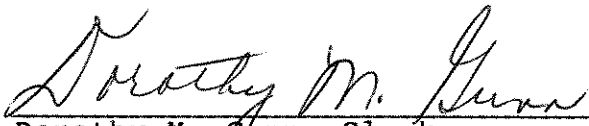
Since a Petition for Review was filed a hearing will be set in #AC 89-68, Rochelle Disposal Service.

These Administrative Citations were received by the Board: #89-80, Leo Moore; 89-81, John Storey; 89-82, Bruce Rich; 89-83, J&L Pallet Service, Inc.; 89-84, Melvin Banks.

Minutes of the April 27, 1989 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to May 25, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 25<sup>th</sup> day of May, 1989 by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MAY 11, 1989 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A. M.

DECISIONS:

- 87-171 Archer Daniels Midland (RF) \_\_\_\_\_
- \* 88-110 County of Wabash (MN)(open waiver) \_\_\_\_\_
- 88-201 City of Marion, Interim Order (JA) \_\_\_\_\_
- \* 89-14 Village of Montgomery (JM)(due 6/22) \_\_\_\_\_
- R87-2 Marathon Petroleum (BF) \_\_\_\_\_
- R87-6 Phosphorus Effluent Standards, Proposed Rule, Second  
First Notice, Proposed Opinion and Order (JA)  
\_\_\_\_\_
- R88-22 Ammonia Water Standards, Adopted Rule, Final Order,  
Opinion and Order (RF) \_\_\_\_\_
- R89-3 Pretreatment Regulations (July 1, 1988 through December  
31, 1988), Proposal for Public Comment, Proposed Opinion  
and Order (JM) \_\_\_\_\_
- RES 89-2 Duplicitous and Frivolous Determination Resolution (RF)  
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AC DECISIONS:

- 89-61 B. J. Smith \_\_\_\_\_
- 89-62 Irene McDonald \_\_\_\_\_
- 89-64 W. W. Sanitation \_\_\_\_\_
- 89-65 American Grading \_\_\_\_\_
- 89-66 City of Casey \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 89-18      J&R Landfill - Respondent's motion to dismiss for lack of jurisdiction (5/8) \_\_\_\_\_
- 89-26      Lincoln Chamber of Commerce - Respondent's motion to rescind March 23, 1989 Board Order (4/27) \_\_\_\_\_
- 89-38      ESG Watts - Agency motion to vacate April 6, 1989 default Order and to dismiss action (4/17)(JM) \_\_\_\_\_
- 89-67      Merle Buerkett - Respondent's petition for dismissal of Administrative Citation and request for hearing (5/9) \_\_\_\_\_

MOTIONS:

- 86-161      Elizabeth Street Foundry - Agency motion for entry of Final Order (4/28), Respondent's response to motion for entry of a final Order (5/8), Agency motion for leave to file a reply to Respondent's response to Complainant's motion for entry of final Order (5/10)(JD) \_\_\_\_\_
- 88-14      Minnesota Mining - joint response to April 6, 1989 Board Order and joint request to modify February 2, 1989 Board Order (5/3)(BF) \_\_\_\_\_
- 88-127      Koppers Company - Respondent's motion to correct Transcript (4/20)(JD) \_\_\_\_\_
- 88-172      Allied-Signal - Association of Concerned Environmentalists petition to declare April 20, 1988 hearing invalid and legally deficient (5/1), Petitioner's response (5/9)(JD) \_\_\_\_\_
- 88-202      AT&T Information Systems - Petitioner's motion to dismiss petition (5/3)(BF) \_\_\_\_\_
- 89-6      Rockford Products - Petitioner's motion to dismiss (5/4) (BF) \_\_\_\_\_
- 89-15      A.R.F. Landfill - Petitioner's motion for admission of Lake County's Study (5/5)(JD) \_\_\_\_\_
- 89-54      Demert & Dougherty - Petitioner's notice of withdrawal of petition (5/1) \_\_\_\_\_

MOTIONS: (Cont'd)

89-58 Minnesota Mining - Agency motion for extension of time to file Agency Recommendation (5/1)

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89-63 John Metropoulos - Objection (5/8), 2 Objections (5/9)

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R88-24 Managing Scrap Tire Accumulations - correction of typographical error (JM)

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DISCUSSIONS:

86-161 Elizabeth Street Foundry (JD)

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87-133 McLean County (JA)

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88-16 Hinsdale Golf Club ( )

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\* 88-176 American National Can (RF)(due 5/25)

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\* 88-196 Koppers Company (JM)(due 5/25)

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\* 89-15 A. R. F. Landfill (JD)(due 5/25)

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REGULATORY DISCUSSIONS:

R88-23 SOCFI (JD)

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R89-1 RCRA Update (August 1, 1988 through December 31, 1988), Proposal for Public Comment (JA)

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R89-2 UIC Update, USEPA Regulations (July 1, 1988 through December 31, 1988), Proposal for Public Comment (JA)

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AMENDED PETITIONS:

87-183 Container Corporation (filed 5/1)(JA)

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88-131 Ligma Corporation (filed 4/25)(See also motion for leave to file Instantter (4/25))(RF)

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NEW CASES:

89-53      Lefton Iron and Metal Company, Inc. v. City of East St.  
Louis (See Complainant's response to March 23, 1989  
Board Order filed 5/1) \_\_\_\_\_

89-79      Department of the Army Ammunition Plant v. EPA  
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89-80      City of Byron v. EPA (Provisional Variance)(JM)  
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89-81      American Nickeloid Company v. EPA (Provisional Variance)  
(JM) \_\_\_\_\_

89-82      Interlake v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_

889-6      Elizabeth Street Foundry, Inc., Petition for a Site-  
Specific Rule Change (JD) \_\_\_\_\_

889-7      Continuous Monitoring Rules and Repeal of New Source  
Performance and Hazardous Air Pollutant Rules (JD)  
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ADJUSTED STANDARDS:

89-1      Demert & Dougherty, Inc. \_\_\_\_\_

AC APPEALS:

89-68      Rochelle Disposal Service \_\_\_\_\_

NEW AC CASES:

89-80      Leo Moore \_\_\_\_\_

89-81      John Storey \_\_\_\_\_

89-82      Bruce Rich \_\_\_\_\_

89-83      J & L Pallet Service, Inc. \_\_\_\_\_

89-84      Melvin Banks \_\_\_\_\_

MINUTES:

April 27, 1989 \_\_\_\_\_



PENDING CASES ASSIGNED:

\* 83-55 Alton Packaging (RF)(open waiver)  
 \* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
 85-137 Fred Jurcak (MN)  
 \* 85-166 Citizens Utilities (JTM)(open waiver)  
 86-56 Trilla Steel Drum (Remand)(JD)  
 87-89 Cargill (Remand)(JM)  
 87-93 Commonwealth Edison (RF)  
 \* 87-127 City of East Moline (BF)(due 9/28)  
 \* 87-131 Amerock Corporation (JTM)(open waiver)  
 87-139 Browning-Ferris (JD)  
 \* 87-183 Container Corporation (JA)(due 7/27)  
 \* 87-185 Jefferson Smurfit (JA)(due 6/22)  
 87-209 Commonwealth Edison Company (JA)  
 AS 88-2 Stepan Company(JM)  
 88-36 Mervis Industries (JD)  
 AC 88-51 Piolet Brothers (RF)  
 \* 88-58 Quantum Chemical (BF)(due 7/13)  
 88-71 Allen Barry (BF)  
 AC 88-76 E & E Hauling (JA)  
 AC 88-77 E & E Hauling (JA)  
 AC 88-90 James Esarey (JM)  
 AC 88-93 City of Herrin (JM)  
 \* 88-97 Illinois Power Company (JD)(due 6/8)  
 AC 88-104 Linn Radloff (JD)  
 \* 88-116 Sexton Filling & Grading (BF)(due 6/22)  
 88-127 Koppers Company (JD)  
 \* 88-131 Ligma Corporation (RF)(open waiver)  
 \* 88-151 Citizens Utilities (RF)(due 6/22)  
 \* 88-156 Trojan Corporation (MN)(due 9/14)  
 \* 88-168 Ensign-Bickford Company (due 9/14)  
 \* 88-172 Allied-Signal (JD)(due 6/22)  
 88-173 Village of Lake Zurich (JTM)  
 \* 88-179 Marathon Petroleum (BF)(due 7/27)  
 \* 88-195 McLean County Disposal (JTM)(open waiver)  
 88-200 AWMCO, Inc. (RF)  
 \* 88-205 A. E. Staley Manufacturing (JM)(due 7/13)  
 AC 89-10 Jim Landers (MN)  
 89-23 IDOT, Loyola University (RF)  
 89-24 Old Ben Coal Company (MN)  
 \* 89-25 Can-Am Industries (BF)(due 6/8)  
 \* 89-28 Waste Management (JA)(due 6/22)  
 \* 89-33 Village of Fairview (JTM)(due 6/8)  
 \* 89-34 Akzo Chemicals (RF)(due 6/8)  
 \* 89-55 Village of Coal City (MN)(due 7/13)