

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
APRIL 6, 1989 CHICAGO, ILLINOIS

All Board Members were present.

A Supplemental Opinion and Order was adopted in #86-27, Modine Manufacturing, by a vote of 6-1. R. Flemal dissented. (JA)

Board Member J. Dumelle presented a draft Opinion and Order in #86-47, Fedders-USA. Alternative language offered by J. Anderson and seconded by J. Marlin failed to carry by a vote of 2-5 with J. Anderson and J. Marlin for it and J. Dumelle, B. Forcade, R. Flemal, J. Theodore Meyer and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 7-0. J. Anderson concurred. (JD)

An Opinion and Order was adopted in #88-117, BFGoodrich Company, by a vote of 7-0. (JTM)

Board Member R. Flemal presented a draft Opinion and Order in #88-190, Waste Management. A motion to amend the draft Order to not uphold the Lake County Board upon Criterion #1 by J. Anderson and seconded by J. Marlin failed to carry by a vote of 3-4 with J. Anderson, J. Marlin and J. Theodore Meyer for it and J. Dumelle, R. Flemal, B. Forcade and M. Nardulli against it. The Opinion and Order was then adopted by a vote of 7-0. J. Anderson, J. Marlin and J. Theodore Meyer concurred. (RF)

An Opinion and Order was adopted in #88-204, Village of Elburn, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JM)

In R88-1, Omnibus Rulemaking, an Adopted Rule, Final Opinion and Order was adopted by a vote of 7-0. (RF)

In R88-6, City of Mendota CSO, an Opinion and Order was adopted by a vote of 7-0. (MN)

In R89-4, UST Financial Assurance Regulations (October 26, 1988), A Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-34, Wayne Fisher; 89-35, Thomas Alexander; 89-37, City of Dixon; 89-38, ESG Watts, Inc.; 89-39, Clinton Landfill.

Agency motion to withdraw the complaint was granted in #AC 89-11, Lefton Iron and Metal, by a vote of 7-0. (JM)

Agency motion to withdraw the complaint was granted in #AC 89-36, City of Chicago Heights, by a vote of 7-0. (JM)

By a vote of 7-0, Respondent's motion for an extension of time to file a petition for review was construed by the Board as a petition for review and a hearing will be set in #AC 89-52, City of Assumption. (JTM)

Agency motion to dismiss was granted in #AC 89-63, ESG Watts, by a vote of 7-0. (JM)

By a vote of 7-0, Respondent's motion to vacate a March 9, 1989 Board Order was granted and the amended Stipulation and Proposal for Settlement filed April 3, 1989 was accepted in #84-92, Richard Krohn. (JD)

A joint motion to continue hearing to allow for implementation of a settlement agreement was denied in #87-183, Container Corporation, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion for reconsideration of a February 2, 1989 Board Order was granted and upon reconsideration the parties were ordered to file memoranda, no later than May 5, 1989, which provides specific language that would be added to or deleted from the February 2 Order to implement the agreement of the parties in #88-14, Minnesota Mining. (BF)

By a vote of 7-0, an Order advising the parties that unless a formal response is received by April 17, 1989, regarding the status of one of several volumes of the Agency record entitled "Exhibit J: Confidential Documents", the docket in #88-178, Indian Refining Company, will be dismissed. (JA)

Agency motion to file Instanter its Recommendation in #88-196, Koppers Industries, was granted by a vote of 7-0. (JM)

Complainant's motion for voluntary dismissal was granted in #89-4, Elmhurst-Chicago Stone, by a vote of 7-0. (BF)

Agency motion to file Instanter its Recommendation in #89-25, Can-Am Industries, was granted by a vote of 7-0. (JM)

Agency motion for clarification of a February 2, 1989 Opinion was denied and Petitioner's motion to file Instanter its response to the Agency's motion for clarification was granted in R85-11, Illinois-American, by a vote of 7-0. (JTM)

These cases were discussed and held to April 27, 1989 for further discussion or possible decision: ##88-16, Hinsdale Golf Club; 88-158, Pioneer Processing; 88-171, Donna Hagan et al.; 88-201, City of Marion; 88-206 (Docket B), Monsanto Company.

An Order was adopted in #88-206 (Docket B), Monsanto Company, by a vote of 7-0. (JM)

These regulatory matters were discussed and held to April 27, 1989 for further discussion or possible decision: R84-12,

Trihalomethanes; R86-17(B), Deoxygenating Wastes; R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849.

In amended petitions these actions were taken by a vote of 7-0: ##88-156, Trojan Corporation and PCB 88-168, Ensign-Bickford, amended petitions accepted for hearing and motions to consolidate granted, **Order by M. Nardulli**; 88-203, American National Can, amended petition accepted and the 120-day decision time clock restarted with its filing; 89-27, LCN Closers, amended petition accepted and hearing authorized, **Order by J. Dumelle**.

In new cases these actions were taken by a vote of 7-0: ##89-57, Village of Hampshire v. EPA, additional information requested, **Order by J. Dumelle**; 89-58, Minnesota Mining and Manufacturing Company v. EPA, accepted for hearing, **Order by B. Forcade**; 89-59, GATX Terminals Corporation v. EPA, additional information requested and a hearing will be set as soon as an amended petition is received, **Order by B. Forcade**; 89-60, Fansteel Ecast, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**.

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ## AC 89-44, Robert Ealey; 89-58, William Fraase.

These Administrative Citations were received by the Board: ##AC 89-61, B.J. Smith; 89-62, Irene McDonald; 89-64, W.W. Sanitation, Inc.; 89-65, American Grading; 89-66, City of Casey; 89-67, Merle Buerkett.


Minutes of the March 23, 1989 Board Meeting were approved by a vote of 7-0.

A provisional variance was granted in new case #89-62, City of Charleston v. EPA, by a vote of 7-0. (JM)

An Order was adopted in R88-30, Limits to Volatility of Gasoline, by a vote of 7-0. (JD)

All other matters not disposed of as listed were ordered held to April 27, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 27<sup>th</sup> day of April, 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  
APRIL 6, 1989 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A. M.

DECISIONS:

- 86-27 Modine Manufacturing, Supplemental Opinion and Order  
(JA)\_\_\_\_\_
- \* 86-47 Fedders-USA (JD)(due)\_\_\_\_\_
- 86-181 Village of Riverside (BF)\_\_\_\_\_
- \* 88-117 BFGoodrich Company (JTM)(due)\_\_\_\_\_
- \* 88-190 Waste Management (RF)(due)\_\_\_\_\_
- \* 88-204 Village of Elburn (JM)(due)\_\_\_\_\_
- R88-1 Omnibus Rulemaking, Adopted Rule, Final Opinion and  
Order (RF)\_\_\_\_\_
- R88-6 City of Mendota CSO (MN)\_\_\_\_\_
- R89-4 UST Financial Assurance Regulations (October 26, 1988),  
Proposal for Public Comment, Proposed Opinion and Order  
(JA)\_\_\_\_\_

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AC DECISIONS:

- 89-34 Wayne Fisher\_\_\_\_\_
- 89-35 Thomas Alexander\_\_\_\_\_
- 89-37 City of Dixon\_\_\_\_\_
- 89-38 ESG Watts, Inc. \_\_\_\_\_
- 89-39 Clinton Landfill\_\_\_\_\_

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\* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 89-11 Lefton Iron and Metal - Agency motion to withdraw complaint and to dismiss action (3/31)
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- 89-36 City of Chicago Heights - Agency motion to withdraw Complaint & dismiss action (3/27)
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- 89-52 City of Assumption - Respondent's motion for extension of time to file Petition for Review (4/3)
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- 89-63 ESG Watts - Agency motion to dismiss (4/3)(See also Respondent's Petition for Review filed 4/4)
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MOTIONS:

- 84-92 Richard Krohn - Complainant's motion to vacate March 9, 1989 Board Order (3/20)(JD)
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- 87-183 Container Corporation - joint motion to continue hearing to allow for implementation of settlement agreement (4/3)
- 
- 88-14 Minnesota Mining - Petitioner's motion for reconsideration or clarification of February 2, 1989 Board Order (3/8), Agency motion in response to Petitioner's motion for reconsideration or clarification of February 2, 1989 Board Order (3/27)(BF)
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- 88-139 John Sexton Contractors - Petitioner's amended motion for reconsideration (3/30)(BF)
- 
- 88-178 Indian Refining Company - Agency response to January 19, 1989 Board Order (2/3)(JA)
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- 88-183 City of Kankakee - Respondent's answer to Complainant's amended complaint (3/17)(JM)
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- 88-196 Koppers Industries - Agency motion to file Recommendation Instanter (3/27)(JM)
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- 89-4 Elmhurst-Chicago Stone - Complainant's motion for voluntary dismissal (3/27)
- 
- 89-25 Can-Am Industries - Agency motion to file Recommendation Instanter (4/3)
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MOTIONS: (Cont'd)

- 89-51 Minnesota Mining - Objection (4/4)\_\_\_\_\_
- 885-11 Illinois-American - Agency motion for clarification of February 2, 1989 Opinion (3/10), Petitioner's motion to file response to Agency motion for clarification Instanter (3/22)(JTM)\_\_\_\_\_

DISCUSSIONS:

- 88-16 Hinsdale Golf Club (BF)\_\_\_\_\_
- \* 88-158 Pioneer Processing (JM)(due 4/27)\_\_\_\_\_
- 88-171 Donna Hagan (RF)\_\_\_\_\_
- 88-201 City of Marion (JA)\_\_\_\_\_
- \* 88-206 Monsanto Company (JM)(due 4/27)\_\_\_\_\_

REGULATORY DISCUSSIONS:

- 884-12 Trihalomethanes, Proposed Rule, Second Notice, Proposed Opinion and Order (JD)\_\_\_\_\_
- 886-17 Deoxygenating Wastes (JM)\_\_\_\_\_
- (B)
- 888-24 Managing Scrap Tire Accumulations for the Control of Mosquitoes, Part 849 (Note: discussion prior to Final Notice)(JM)\_\_\_\_\_

AMENDED PETITIONS:

- 88-156 Trojan Corporation (filed 3/15)(See also motion to consolidate)(MN)\_\_\_\_\_
- 88-168 Ensign-Bickford Company (filed 3/15)(See also motion to consolidate)(MN)\_\_\_\_\_
- 88-203 American National Can (filed 3/22)\_\_\_\_\_
- 89-27 LCN Closers (filed 3/30)\_\_\_\_\_

NEW CASES:

89-57 Village of Hampshire v. EPA (Note: Petition filed 3/24;  
Statutory filing fee paid 3/27) \_\_\_\_\_

89-58 Minnesota Mining and Manufacturing Company v. EPA (BF)  
\_\_\_\_\_

89-59 GATX Terminals Corporation v. EPA \_\_\_\_\_

89-60 Fansteel/Escaft, Inc. v. EPA (Provisional Variance)(JM)  
\_\_\_\_\_

89-61 Thomas S. Fredette v. Village of Beecher (11:00 a.m.  
April 27) \_\_\_\_\_

AC APPEALS:

89-44 Robert K. Ealey \_\_\_\_\_

89-58 William Fraase \_\_\_\_\_

NEW AC CASES:

89-61 B. J. Smith \_\_\_\_\_

89-62 Irene McDonald \_\_\_\_\_

89-64 W. W. Sanitation, Inc. \_\_\_\_\_

89-65 American Grading \_\_\_\_\_

89-66 City of Casey \_\_\_\_\_

89-67 Merle Buerkett \_\_\_\_\_

MINUTES:

March 23, 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)  
86-161 Elizabeth Street Foundry (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)  
87-133 McLean County (Remand)(JTM)  
87-139 Browning-Ferris (JD)  
87-171 Archer Daniels Midland (RF)  
87-209 Commonwealth Edison Company (JA)  
AS 88-2 Stepan Company(JM)  
AC 88-14 Arthur Daniels (JA)  
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 88-104 Linn Radloff (JD)  
\* 88-110 County of Wabash (MN)(open waiver)  
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 7/13)  
\* 88-168 Ensign-Bickford Company (due 7/13)  
88-173 Village of Lake Zurich (JTM)  
\* 88-179 Marathon Petroleum (BF)(due 7/27)  
\* 88-195 McLean County Disposal (JTM)(open waiver)  
\* 88-196 Koppers Company (JM)(due 5/25)  
\* 89-14 Village of Montgomery (JM)(due 6/22)  
\* 89-15 A. R. F. Landfill (JD)(due 5/25)  
89-23 IDOT, Loyola University (RF)  
89-24 Old Ben Coal Company (MN)  
\* 89-28 Waste Management (JA)(due 6/22)  
\* 89-33 Village of Fairview (JTM)(due 6/8)  
\* 89-55 Village of Coal City (MN)(due 7/13)



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ADDENDUM

NEW CASES:

- 89-62 City of Charleston v. EPA (Provisional Variance)  
(JM)
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- R88-30 Chicago Lung Association's Proposed Rule to set  
Limits on the Volatility of Gasoline (See also  
motion to waive 200-signature requirement)(JD)
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