

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MAY 25, 1989 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #87-133, McLean County, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Opinion and Order was adopted in #88-110, County of Wabash, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-176, American National Can, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-196, Koppers Company, by a vote of 7-0. J. Dumelle concurred. (JM)

Board Member J. Dumelle presented a draft Opinion and Order in #89-15, A.R.F. Landfill. Thereafter, Chairman Marlin called for individual votes on the statutorily defined Criteria which were recorded as follows: Board members J. Anderson, J. Marlin and J. Theodore Meyer voted not to uphold the County on Criterion #1; all Board Members voted to uphold the County on Criterion #2; Board Member J. Anderson voted not to uphold the County on Criterion #3; Board Members J. Anderson and J. Theodore Meyer voted not to uphold the County on Criterion #4; Board Members J. Anderson, J. Marlin, and J. Theodore Meyer voted not to uphold the County on Criterion #5 and all Board Members voted to reverse the County on Criterion #6. An Opinion and Order was then adopted by a vote of 7-0. Board Members J. Anderson, J. Marlin and J. Theodore Meyer concurred on the Opinion. (JD)

In R87-6, Phosphorus Effluent Standards, a Correction to Proposed Opinion and Order was adopted by a vote of 7-0. J. Dumelle concurred. (JD)

In R88-23, SOCMI, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JD)

In R89-1, RCRA Update (August 1, 1988 through December 31, 1988), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-69, Wayne Winter; 89-70, West Chicago Auto Wreckers and Raymond Fuchs; 89-71, Litchfield-Hillsboro Sanitary Landfill.

Agency motion to dismiss in #AC 88-104, Linn Radloff, was granted by a vote of 7-0. (JD)

Agency motion to amend the Administrative Citation in #AC 89-2, Frank Wilner, was granted by a vote of 7-0 and the Board noted that Respondent had already paid the penalty for the noted violation. (JTM)

Respondent's motion to rescind a March 23, 1989 Board Order in #AC 89-26, Lincoln Chamber of Commerce, was denied by a vote of 7-0. (JM)

Agency motion to amend the Administrative Citation in #AC 89-52, City of Assumption, was granted and unless already paid, the Respondent was ordered to pay a penalty of \$500.00 within 30 days. (JD)

Petitioner's request to withdraw its petition in #87-146, American National Can, was granted by a vote of 7-0. (BF)

An Order was adopted pursuant to an Agency motion for sanctions in #88-151, Citizens Utilities, by a vote of 7-0. (RF)

An Order was adopted pursuant to Petitioner's motion for modification of a May 11, 1989 Board Order in #88-172, Allied-Signal, by a vote of 7-0. (MN)

Petitioner's motion to withdraw its petition in #89-54, Demert & Dougherty, was granted by a vote of 7-0. (BF)

Petitioner's motion for leave to withdraw was granted in #89-59, GATX Terminals, by a vote of 7-0. (BF)

Since objections were filed, hearings will be set in these cases after the amended petitions are received by the Board: ##89-63, John Metropulos; 89-72, Olin Chemicals.

Since an objection was filed, a hearing was authorized in #89-79, Joliet Army Ammunition Plant, by a vote of 7-0. (MN)

Petitioner's motion for leave to file comments on EcIS Determination Instanter in R88-14, Abbott Laboratories, was granted by a vote of 7-0. (JD)

An Order was adopted pursuant to Respondent's motion for reconsideration of a May 11, 1989 Board Order in #AC 89-19, J & R Landfill, by a vote of 7-0. (JA)

These cases were discussed and held to June 8, 1989 for further discussion or possible decision: ##86-161, Elizabeth Street Foundry; 88-16, Hinsdale Golf Club; 88-97, Illinois Power; 89-33, Village of Fairview; 89-34, Akzo Chemicals; 89-49, Bi-State Disposal; 89-55, Village of Coal City; RES 89-2, Duplicitous & Frivolous Determination Resolution.

This regulatory matter was discussed and held to June 8, 1989 for further discussion or possible decision: R88-5(A), Procedural

Rules, Parts 101, 106 and 107.

By a vote of 7-0, this amended petition was held for an Agency Recommendation: #89-57, Village of Hampshire.

In new cases these actions were taken by a vote of 7-0: ##89-83, American National Can Company (Hoopeston Plant) v. EPA, accepted for hearing, **Order by B. Forcade**; 89-84, United City of the Village of Yorkville v. EPA, statutory time period for action required of the Agency and the Board begin running on May 18, 1989 the date the statutory filing fee was received and held for an Agency Recommendation, **Order by J. Marlin**; 89-85, Midwest Rubber Reclaiming Division v. EPA, May 15, 1989 letter from Petitioner construed as a petition for variance and additional information requested, **Order by B. Forcade**; 89-86, Village of Sauget v. EPA, statutory time period for action required of the Agency and the Board begin running on May 17, 1989 the date the statutory filing fee was received and held for an Agency Recommendation, **Order by J. Marlin**; 89-87, EPA v. Moline Corporation, hearing mandatory; 89-88, Hydraulics, Inc., d/b/a Brake Parts Company v. EPA, tentatively accepted for hearing and unless the statutory filing fee is submitted within 21 days of the date of this Order the petition will be subject to dismissal, **Order by B. Forcade**; 89-89, Motor Wheel Corporation (Mendota Plant) v. EPA, accepted for hearing and parties expected and strongly encouraged by the Board to state the applicable regulatory law and relevant facts with appropriate record citations which demonstrate that a violation is likely or unlikely to occur and motion to appear before the Board Pro Hac Vice granted, **Order by B. Forcade**; 89-90, John Deere Harvester Works v. EPA, provisional variance granted, **Order by J. Marlin**; 89-91, Treasure Chest Advertising Company, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 89-92, Christian County Landfill, Inc. v. Christian County Board, accepted for hearing, **Order by B. Forcade**.

Since Petitions for Review were filed, these Administrative Citations will be set for hearing: 89-72, City of West Frankfort; 89-78, J & R Landfill.

These Administrative Citations were received by the Board: ##89-85, Robert Kettell; 89-86, Thomas Johnson; 89-87, Merle Buerkett; 89-88, John Timpe; 89-89, Morgan Manufacturing Company; 89-90, Becker Brothers, Inc.; 89-91, Eurocor Corporation; 89-92, Centralia Environmental Services, Inc.; 89-93, Village of Alorton; 89-94, Gus Richardson; 89-95, City of Freeport; 89-96, City of Princeton; 89-97, Russell E. Sinclair; 89-98, Whiteway Sanitation, Inc.; 89-99, City of Lewistown; 89-100, Heritage Builders; 89-101, Fuller Brothers; 89-102, Lowell Fauber; 89-103, Herbert Simmons, Inc.; 89-104, Village of Brocton; 89-105, Stryker International; 89-106, City of Jacksonville.

Minutes of the May 11, 1989 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to June 8, 1989 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 8th day of June, 1989 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 25, 1989 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 87-133 McLean County (JA) _____
- * 88-110 County of Wabash (MN)(open waiver) _____
- * 88-176 American National Can (RF)(due) _____
- * 88-196 Koppers Company (JM)(due) _____
- * 89-15 A. R. F. Landfill (JD)(due) _____
- 89-24 Old Ben Coal Company (MN) _____
- R87-6 Phosphorus Effluent Standards, Correction to Proposed Rule, Second First Notice, Proposed Opinion and Order (JA) _____
- R88-23 SOCMI, Adopted Rule, Final Order, Opinion and Order (JD) _____
- R89-1 RCRA Update (August 1, 1988 through December 31, 1988), Proposal for Public Comment (JA) _____
- R89-2 UIC Update, USEPA regulations (July 1, 1988 through December 31, 1988), Proposal for Public Comment (JA) _____

AC DECISIONS:

- 89-69 Wayne Winter _____
- 89-70 West Chicago Auto Wreckers and Raymond Fuchs _____
- 89-71 Litchfield-Hillsboro Sanitary Landfill _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

- 88-104 Linn Radloff - Agency motion to dismiss (5/15)(JD)
-
- 89-2 Frank Wilner - Agency motion to amend Administrative Citation (5/22)
-
- 89-18 J&R Landfill - Respondent's motion for reconsideration of May 11, 1989 Board Order (5/16)(JM)
-
- 89-26 Lincoln Chamber of Commerce - Respondent's motion to rescind March 23, 1989 Board Order (4/27)
-
- 89-52 City of Assumption - Agency motion to amend Citation (5/15)
-
- 89-78 J & R Landfill - Respondent's motion to dismiss (5/18)
-

MOTIONS:

- 87-146 American National Can - Petitioner's request to withdraw petition (5/11)(BF)
-
- 88-151 Citizens Utilities - Agency motion for sanctions (5/18), Petitioner's objections to and motion to strike Agency's motion for sanctions (5/23)(RF)
-
- 88-172 Allied-Signal - Petitioner's motion for modification of May 11, 1989 Board Order (5/16)(MN)
-
- 89-44 Moline Corporation - Complainant's motion to amend petition (5/16)
-
- 89-54 Demert & Dougherty - Petitioner's notice of withdrawal of petition (5/1)
-
- 89-59 GATX Terminals - Petitioner's motion for leave to withdraw (5/19)(BF)
-
- 89-63 John Metropulos - Objection (5/12)(Note: Currently awaiting an amended petition; See 4/27 Board Order)
-
- 89-72 Olin Chemicals - Objection (5/11), Objection (5/23) (Note: Currently awaiting an amended petition; See 4/27 Board Order)
-

MOTIONS: (Cont'd)

89-79 Joliet Army Ammunition Plant - Objection (5/23; Note:
Currently being held for an Agency Recommendation)(MN)

R88-14 Abbott Laboratories - Petitioner's motion for leave to
file Comments on ECIS Determination Instanter (5/12)
(JD)

DISCUSSIONS:

86-161 Elizabeth Street Foundry (JD)

88-16 Hinsdale Golf Club ()

* 88-97 Illinois Power (JD)(due 6/8)

* 89-33 Village of Fairview (JTM)(due 6/8)

* 89-34 Akzo Chemicals (RF)(due 6/8)

* 89-49 Bi-State Disposal (JM)(due 6/22)

* 89-55 Village of Coal City (MN)(due 7/13)

RES 89-2 Duplicitous & Frivolous Determination Resolution (RF)

REGULATORY DISCUSSIONS:

R88-5 Procedural Rules, Parts 101, 106, and 107, Adopted
(A) Rule, Opinion and Order (JTM)

AMENDED PETITIONS:

89-57 Village of Hampshire (filed 5/22)

NEW CASES:

89-83 American National Can Company (Hoopeston Plant) v. EPA
(BF)

89-84 United City of the Village of Yorkville v. EPA

NEW CASES: (Cont'd)

89-85 Midwest Rubber Reclaiming Division v. EPA

89-86 Village of Sauget v. EPA_____
89-87 EPA v. Moline Corporation_____
89-88 Hydraulics, Inc. d/b/a Brake Parts Company v. EPA

89-89 Motor Wheel Corporation, Inc. v. EPA (BF)

89-90 John Deere Harvester Works v. EPA (Provisional Variance)
(JM)_____
89-91 Treasure Chest Advertising Company, Inc. v. EPA (BF)

89-92 Christian County Landfill, Inc. v. Christian County
Board_____

AC APPEALS:

89-72 City of West Frankfort_____
89-78 J & R Landfill, Inc. _____

NEW AC CASES:

89-85 Robert Kettell Construction Corporation_____
89-86 Thomas Johnson_____
89-87 Merle Buerkett_____
89-88 John Timpe_____
89-89 Morgan Manufacturing Company_____
89-90 Becker Brothers, Inc. _____
89-91 Eurocor Corporation_____
89-92 Centralia Environmental Services, Inc. _____
89-93 Village of Alorton_____

NEW AC CASES: (Cont'd)

- 89-94 Gus Richardson_____
- 89-95 City of Freeport_____
- 89-96 City of Princeton_____
- 89-97 Russell E. Sinclair_____
- 89-98 Whiteway Sanitation, Inc. _____
- 89-99 City of Lewistown_____
- 89-100 Heritage Builders_____
- 89-101 Fuller Brothers_____
- 89-102 Lowell Fauber_____
- 89-103 Herbert Simmons, Inc. _____
- 89-104 Village of Brocton_____
- 89-105 Stryker International_____
- 89-106 City of Jacksonville_____

MINUTES:

May 25, 1989_____

11

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)
* 86-43 LTV Steel Company (JM)(due 6/22)
87-68)
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)
AB 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)
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 (MN)(due 8/31)
88-173 Village of Lake Zurich (JTM)
* 88-179 Marathon Petroleum (BF)(due 7/27)
* 88-191 Testor Corporation (JTM)(9/28)
* 88-195 McLean County Disposal (JTM)(open waiver)
88-200 AWMCO, Inc. (RF)
* 88-203 American National Can (JD)(due 7/27)
* 88-205 A. E. Staley Manufacturing (JM)(due 7/13)
AC 89-10 Jim Landers (MN)
89-23 IDOT, Loyola University (RF)
* 89-25 Can-Am Industries (BF)(due 9/28)
* 89-28 Waste Management (JA)(due 6/22)
89-29 Village of Fox River Grove (BF)
* 89-79 Joliet Army Ammunition Plant (MN)(due 9/14)