

ILLINOIS POLLUTION CONTROL BOARD

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

All Board Members were present.

An Opinion and Order was adopted in #AC 88-14, Arthur Daniels, by a vote of 6-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #88-169, Catty Corporation, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #88-194 (Docket B), Monsanto Company, by a vote of 7-0. (BF)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##89-25, Steve Zimmerman and Waste Limited; 89-26, Lincoln Chamber of Commerce; 89-27, Lincoln Christian College; 89-28, Harold Fulscher; 89-31, Charles Rhodes; 89-32, Village of Bartonville.

Agency motion to withdraw was granted in #AC 89-29, Lester Mechling, by a vote of 7-0. (JM)

Agency motion to withdraw was granted in #AC 89-33, Michael Gaddy, by a vote of 7-0. (JM)

Petitioner's motion to withdraw its Second Amended Petition was granted and the proceedings were dismissed in #87-90, American Steel Container, by a vote of 7-0. (BF)

An Order was adopted pursuant to Petitioner's motion for reconsideration in #88-17, Marley-Ingrid, by a vote of 7-0. (BF)

Respondent's motion for leave to file a response to Complainant's amended complaint was granted in #88-183, City of Kankakee, by a vote of 7-0. (JM)

Agency motion for further extension of time to file its Recommendation was granted until April 7, 1989 in #88-203, American National Can, by a vote of 7-0. (JA)

Since the 21 days to submit the statutory filing fee allowed to the Petitioner by the Board on January 19, 1989 had passed, the proceedings in #89-7, United City of the Village of Yorkville, were dismissed by a vote of 7-0. (JM)

An Order was adopted pursuant to a motion for leave to appear as Amicus Curiae and to file an Amicus brief in #89-15, A.R.F. Landfill, by a vote of 7-0. (JD)

Agency motion to file its permit record Instanter was granted in #89-16, Quantum Chemical, by a vote of 7-0. (JA)

Petitioner's motion for stay was denied as moot and Agency motions to file its response in opposition to Petitioner's motion for stay Instanter and to file its permit record Instanter were granted in #89-31, Fansteel/Escast, by a vote of 7-0. (RF)

These cases were discussed and held to April 6, 1989 for further discussion and possible decision: #86-27, Modine Manufacturing; 86-181, Village of Riverside; 88-117, BFGoodrich Company; 88-158, Pioneer Processing; 88-190, Waste Management; 88-204, Village of Elburn.

By a vote of 7-0, Petitioner's motion to the Board for extension of hearing date was granted and the parties were ordered to singly or jointly file a status report no later than October 15, 1989 in #88-122, Waste Management. (JA)

These regulatory matters were discussed and held to April 6, 1989 for further discussion or possible decision: R84-12, Trihalomethanes; R88-6, City of Mendota CSO; R89-9, Reilly Tar and Chemical; R88-30, Limits to Volatility of Gasoline; R89-4, UST Financial Assurance Regulations.

These amended petitions were ordered held to April 6, 1989 for further consideration: #88-156, Trojan Corporation; 88-168, Ensign-Bickford Company.

In new cases these actions were taken by a vote of 7-0: #89-50, Illinois Department of Transportation, Northwestern University, **docket opened to allow the Board additional time to review the project**; 89-51, Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. EPA, accepted for hearing, **Order by B. Forcade**; 89-53, Lefton Iron and Metal Company, Inc. v. City of East St. Louis, Board deferred making its frivolous or duplicitous determination and setting this matter for hearing and will withhold any further action on the complaint until it has received memoranda from the parties addressing enumerated concerns of the Board, J. Dumelle concurred, **Order by B. Forcade**; 89-54, Demert & Dougherty, Inc. v. EPA, additional information requested, **Order by B. Forcade**; 89-55, Village of Coal City v. EPA, held for an Agency Recommendation; 89-56, DeMert and Dougherty, Inc. v. EPA, provisional variance granted, **Order by J. Marlin**; R89-5, Agency Proposed Amendments to Title 35, Subtitle F: Public Water Supplies, Parts 615 and 616, accepted for publication and hearing; 89-36, Illinois Department of Transportation, E. James Schneiders and Lloyd Ferguson, **Chairman authorized to sign the permit document and to prepare an Order.**

Because a petition for review was received a hearing will be set in this Administrative Citation: #89-36, City of Chicago Heights.

These Administrative Citations were received by the Board: #89-44, Robert K. Ealey; 89-45, Adella Klasinz; 89-46, James Romano and Citizens National Bank of Decatur; 89-47, Witvoet Trucking Company, Inc.; 89-48, Frank Edwards; 89-49, Peoria Disposal Company; 89-50, Illinois-Wisconsin Sand and Gravel; 89-51, T.J. Shambaugh, Jr.; 89-52, City of Assumption; 89-53, Clarence Keller; 89-54, Village of Bartonville; 89-55, Village of Bartonville; 89-56, Twin Service; 89-57, Steve Zimmerman and Waste Limited, Inc.; 89-58, William Fraase; 89-59, Ted Standefer; 89-60, Village of Millstadt.

Minutes of the March 9 and March 15, 1989 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 90 which will be announced in the Board's Environmental Register.

1989


July 13, 27
August 10, 31
September 14, 28
October 18
November 2, 15
December 6, 20

1990

January 11, 25
February 8, 22
March 8, 22
April 12, 26
May 10, 24
June 7, 21

All other matters not disposed of as listed were ordered held to April 6, 1989 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of April, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

- * 86-47 Fedders-USA (JD)(due)_____
- AC 88-14 Arthur Daniels (JA)_____
- (B)
- * 88-169 Catty Corporation (JM)(due)_____
- * 88-194 Monsanto Company (BF)(due)_____
- 88-201 City of Marion (JA)_____

AC DECISIONS:

- 89-25 Steve Zimmerman & Waste Limited_____
- 89-26 Lincoln Chamber of Commerce_____
- 89-27 Lincoln Christian College_____
- 89-28 Harold Fulscher_____
- 89-29 Lester Mechling_____
- 89-31 Charles Rhodes_____
- 89-32 Village of Bartonville_____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

89-33 Michael Gaddy - Agency motion to withdraw Administrative Citation (3/20) _____

MOTIONS:

84-92 Richard Krohn - Complainant's motion to vacate March 9, 1989 Board Order (3/20)(JD) _____

87-90 American Steel Container - Petitioner's motion to withdraw Second Amended Petition (3/14)(BF) _____

88-14 Minnesota Mining - Petitioner's motion for reconsideration or clarification of February 2, 1989 Board Order (3/8)(BF) _____

88-17 Marley-Ingrid - Petitioner's motion for reconsideration (2/21), Agency response to Petitioner's motion for reconsideration (3/6)(BF) _____

88-122 Waste Management - Petitioner's motion to the Board for extension of hearing date (3/20) _____

88-178 Indian Refining Company - Agency response to January 19, 1989 Board Order (2/3)(JA) _____

88-183 City of Kankakee - Respondent's motion for leave to file response to amended complaint (3/17)(JM) _____

88-203 American National Can - Agency motion for further extension of time to file Agency Recommendation (3/14) _____

89-7 Village of Yorkville - Dismissal Order regarding non-payment of filing fee (JM) _____

89-15 A.R.F. Landfill - motion for leave to appear as Amicus Curiae and to file an Amicus brief by Prairie Holdings Corporation et al. (3/7), Petitioner's response to motion for leave to appear as Amicus Curiae (3/15)(JD) _____

89-16 Quantum Chemical - Agency motion to file Permit Record Instantly (3/13) _____

MOTIONS: (Cont'd)

89-31 Fansteel/Escaat - Petitioner's motion for Stay (2/15), Agency motion to file response in opposition to Petitioner's motion for Stay Instante (3/8), Agency motion to file Permit Record Instante (3/10), Petitioner's response to March 9, 1989 Board Order (RF)

R85-11 Illinois-American - Agency motion for clarification of February 2, 1989 Opinion (3/10)(JTM)

DISCUSSIONS:

86-27 Modine Manufacturing (Remand), Supplemental Opinion and Order (JA)

86-181 Village of Riverside (BF)

* 88-117 BFGoodrich Company (JTM)(due 4/6)

* 88-158 Pioneer Processing (JM)(due 4/6)

* 88-190 Waste Management (RF)(due 4/6)

* 88-204 Village of Elburn (JM)(due 4/6)

REGULATORY DISCUSSIONS:

R84-12 Trihalomethanes, Proposed Rule, Second Notice (JD)

R88-6 City of Mendota CSD (MN)

R88-9 Reilly Tar & Chemical (MN)

R88-30 Limits to Volatility of Gasoline (JD)

R89-4 UST Financial Assurance Regulations (October 26, 1988), Proposal for Public Comment, Proposed Opinion and Order (JA)

AMENDED PETITIONS:

88-156 Trojan Corporation (filed 3/15)(See also motion to consolidate)(MN)

AMENDED PETITIONS: (Cont'd)

88-168 Ensign-Bickford Company (filed 3/15)(See also motion to consolidate)(MN)_____

NEW CASES:

89-50 IDOT, Northwestern University_____

89-51 Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. EPA (Note: Petition filed 3/14; Statutory filing fee paid 3/15)_____

89-53 Lefton Iron and Metal Company, Inc. v. City of East St Louis (11:00 a.m.)_____

89-54 Demert & Dougherty, Inc. v. EPA_____

89-55 Village of Coal City v. EPA (Note: Petition filed 3/17; Statutory filing fee paid 3/20)_____

89-56 DeMert and Dougherty, Inc. v. EPA (Provisional Variance) (JM)_____

R89-5 Agency Proposed Amendments to Title 35, Subtitle F: Public Water Supplies, Parts 615 and 616_____

AC APPEALS:

89-36 City of Chicago Heights_____

NEW AC CASES:

89-44 Robert K. Ealey_____

89-45 Adella Klasinz_____

89-46 James Romano and Citizens National Bank of Decatur_____

89-47 Witvoet Trucking Company, Inc. _____

89-48 Frank Edwards_____

89-49 Peoria Disposal Company_____

89-50 Illinois-Wisconsin Sand & Gravel_____

NEW AC CASES: (Cont'd)

89-51 T. J. Shambaugh, Jr. _____
89-52 City of Assumption _____
89-53 Clarence Keller _____
89-54 Village of Bartonville _____
89-55 Village of Bartonville _____
89-56 Twin Service _____
89-57 Steve Zimmerman & Waste Limited, Inc. _____
89-58 William Fraase _____
89-59 Ted Standefer _____
89-60 Village of Millstadt _____

MINUTES:

March 9, 1989 _____
March 15, 1989 (Special Board Meeting) _____

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 9/29)
 * 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)
 AS 88-2 Stepan Company(JM)
 AC 88-14 Arthur Daniels (JA)
 88-16 Hinsdale Golf Club (BF)
 88-36 Mervis Industries (JD)
 AC 88-51 Piolet Brothers (RF)
 * 88-58 Quantum Chemical (BF)(due 7/21)
 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)
 * 88-131 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)
 88-171 Donna Hagan et al. (RF)
 88-173 Village of Lake Zurich (JTM)
 * 88-179 Marathon Petroleum (BF)(due 8/1)
 * 88-195 McLean County Disposal (JTM)(open waiver)
 * 88-196 Koppers Company (JM)(due 5/25)
 * 88-206 Monsanto Company (JM)(due 4/27)
 * 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)
 * 89-28 Waste Management (JA)(due 6/22)
 * 89-33 Village of Fairview (JTM)(due 6/8)

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

ADDENDUM

ADOPTION OF MEETING DATES FOR FY 90:

<u>1989</u>	<u>1990</u>
July 13, 27	January 11, 25
August 10, 31	February 8, 22
September 14, 28	March 8, 22
October 18	April 12, 26
November 2, 15	May 10, 24
December 6, 20	June 7, 21