

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
September 2, 1982 Chicago, Illinois

All Board Members were present.

Opinions and Orders were adopted in these matters by a vote of 5-0:  
## 81-203, Amax Coal; 82-61, Bunge Corp.; 82-66, West Suburban  
(motion for expedited consideration granted); 82-69, Hanover Park  
v. DuPage County et al. (Opinion only); 82-73, Potomac (Order only);  
82-76, Equity Associates.

A Final Order and Opinion were adopted in R81-6,-28, Public Water  
Supply Amendments, by a vote of 5-0.

An Order was adopted in #78-233, Granite City, by a vote of 5-0,  
Mr. Dumelle and Mr. Anderson concurred. The Order addresses vari-  
ous motions and an amended complaint filed in the matter since  
June 3, 1982.

Orders, ordering the matters set for hearing in #79-87, Sauget  
and 81-20, Metro-East, were entered pursuant to the Hearing Officer's  
request by a vote of 5-0. Mrs. Anderson will prepare the Orders.

Motion to dismiss in #79-142, Citizens Utilities, was denied by a  
vote of 5-0. Mrs. Anderson will prepare an Order.

An extension of time to file a report in #80-38, Bacon's Farm  
was granted by a vote of 5-0. Mr. Dumelle will prepare an Order.

An Order was adopted in #80-175, Unity, denying a motion to strike  
in part and referring in part to the Hearing Officer. The vote  
was 5-0, Mr. Goodman will prepare an Order.

Motion to withdraw as counsel was granted in #81-143, Wheeler,  
by a vote of 5-0. Mr. Goodman will prepare an Order.

Motion for reconsideration in #82-12, Aurora, was denied by a vote  
of 5-0. Mr. Anderson will prepare an Order.

Motion for reconsideration was granted in 82-13, Alton, by a vote  
of 5-0. Mrs. Anderson will prepare an Order.

Motion to dismiss in #82-16, Beucher, was denied by a vote of  
3-2, Mr. Goodman and Mr. Werner dissented. Mr. Dumelle will  
prepare an Order.

Motion to continue and motion to construe as an amended petition  
were denied in #82-23, Trojan, by a vote of 5-0. Mr. Anderson  
will prepare an Order.

Motion to amend in #82-25, Wildcat #2, was denied as untimely  
by a vote of 5-0. Mr. Goodman will prepare an Order.

Application for non-disclosure was granted in #82-53, Meyercord, by a vote of 5-0. Mr. Goodman will prepare an Order.

Motion to withdraw in #82-77,-78, Martin Oil, was granted by a vote of 5-0. Mr. Dumelle will prepare an Order.

Motion to appear in #82-100, Conoco, was granted by a vote of 5-0. Mr. Dumelle will prepare an Order.

These cases were discussed and held to the next Board meeting for further discussion or possible decision: ## 81-136, Willutzki v. Lombard; 81-180, Allen; 81-182, Capital City; 82-19, McHenry; 82-40, William Radar; 82-47, Lambert v. Saline; 82-86, Delavan.

These regulatory matters were discussed and held to the next meeting for further discussion or possible decision: R80-5, RACT II; R81-15, Rowe Foundry; R81-12, Sauget/E. St. Louis; R81-30, Trade Secrets.


Mr. Dumelle made a motion that the Board ask the Attorney General for an Opinion on the the power of sub-delegation, with regard to R82-11, Parallel Shores Protection. The motion was passed by a vote of 4-1, Mrs. Anderson dissented. Mr. Dumelle will prepare a letter of request to the Attorney General.

The Board then voted to reschedule the meeting set for September 16, 1982 to Wednesday, September 15, 1982.

In new cases these actions were taken by a vote of 5-0: ## 82-96, English v. Weck & Fleenor, dismissed and referred to the Agency as an informal complaint, Order by Mr. Goodman; 82-97, Northbrook v. Atlantic Richfield, held for proof of service, Order by Mr. Goodman; 82-102, Mt. Carmel, 82-103, Illinois Power and 82-104, Illinois Power, hearings authorized; 82-105,-106, Dept. of the Army, additional information requested, Order by Mr. Dumelle; 82-107, Sherex and 82-108, Chrysler, hearings authorized.

All matters not disposed of as listed were ordered held for possible consideration at the next meeting.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above minutes were approved this 15<sup>th</sup> day of September, 1982 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
A G E N D A  
SEPTEMBER 2, 1982 CHICAGO, ILLINOIS

DECISIONS:

- \* 81-203 Amax Coal (JA) (due) \_\_\_\_\_
- 82-61 Bunge Corp. (NW) \_\_\_\_\_
- \* 82-66 West Suburban (IG) (due 10/28) (motion for expedited consideration 8/25) \_\_\_\_\_
- 82-69 Hanover Park v. County of DuPage et al. (Opinion only) (JA) \_\_\_\_\_
- \* 82-73 Potomac School (JA) (due) \_\_\_\_\_
- \* 82-76 Equity Assoc. (IG) (due 10/28) \_\_\_\_\_
- R81-12 Sauget/E. St. Louis, Rule 452, WQS - Proposed Rule, First Notice (JD) \_\_\_\_\_
- R81-28 PWS Amendments - Final Order, Adopted Rules (IG) \_\_\_\_\_

MOTIONS:

- 78-233 Granite City - intervenor's complaint (6/3) motion to strike (6/9) response (6/21) motion to dismiss (6/28) amended complaint (8/30) response (8/30) (IG) \_\_\_\_\_
- 79-87 Sauget - letter from H.O. dated 7/23 (JA) \_\_\_\_\_
- 79-142 Citizens Utilities - motion to dismiss (8/13) response (8/27) letter from H.O. (8/26) \_\_\_\_\_
- 80-38 Bacon's Farm - motion to reconsider (6/29) response (7/6) reply (7/16) (JD) \_\_\_\_\_
- 80-175 Unity Ventures - motion to strike (8/20) response (8/31) \_\_\_\_\_
- 81-20 Metro-East - letter from H.O. dated 8/23 (JA) \_\_\_\_\_
- 81-143 Wheeler - motion to withdraw as counsel (8/30) (IG) \_\_\_\_\_
- 82-12 Aurora - motion for reconsideration (8/5) (DA) \_\_\_\_\_
- 82-13 Alton Water - motion for reconsideration (8/23) (JA) \_\_\_\_\_
- 82-16 Beucher - motion to dismiss (8/4) response (8/16) (JD) \_\_\_\_\_

MOTIONS (CONTINUED):

82-23 Trojan - motion to continue and construe (8/30) (8/31)  
submission (9/1) (DA) \_\_\_\_\_

82-25 Wildcat #2 - motion to amend (8/12) (JD) \_\_\_\_\_

82-53 Meyercord - application for nondisclosure (8/12) \_\_\_\_\_

82-77,  
-78 Martin Oil - motion to withdraw (8/31) \_\_\_\_\_

82-100 Conoco - motion to appear (8/30) \_\_\_\_\_

DISCUSSIONS:

81-136 Willutski v. Lombard (IG) \_\_\_\_\_

81-180 Allen (IG) \_\_\_\_\_

81-182 Capital City Land et al. (NW) \_\_\_\_\_

\* 82-19 McHenry (DA) \_\_\_\_\_

82-40 Wm. Rader (NW) \_\_\_\_\_

82-47 Lambert v. Saline County Board (IG) (due 9/16) \_\_\_\_\_

\* 82-86 Delavan (DA) (due 9/16) \_\_\_\_\_

REGULATORY DISCUSSIONS:

R80-5 Ract II - Proposed Rule, Second Notice (IG) \_\_\_\_\_

R81-15 Rowe Foundry (DA) \_\_\_\_\_

R81-30 Trade Secrets (IG) \_\_\_\_\_

R82-11 Parallel Shores Protection (JD) (Possible First Notice) \_\_\_\_\_

NEW CASES:

- 82-96 Mary English v. Michael Weck and Joe Fleenor \_\_\_\_\_  
(11:00 A.M.)
- 82-97 Village of Northbrook v. Atlantic Richfield Co., Robert Burns  
and Jack Ebert \_\_\_\_\_  
(11:00 A.M.)
- 82-102 Mt. Carmel Public Utility Co. v. EPA \_\_\_\_\_
- 82-103 Illinois Power Co. (Vermilion Station Unit #1) v. EPA \_\_\_\_\_
- 82-104 Illinois Power Co. (Vermilion Station Unit #2) v. EPA \_\_\_\_\_
- 82-105 Dept. of the Army (Joliet) v. EPA \_\_\_\_\_
- 82-106 Dept. of the Army (Joliet) v. EPA \_\_\_\_\_
- 82-107 Sherex Chemical Co., Inc. v. EPA \_\_\_\_\_
- 82-108 Chrysler Corporation v. EPA \_\_\_\_\_

PUBLIC COMMENT

PENDING CASES ASSIGNED:

	78-139	Vickery Manor (JD)
*	79-209	Mobil Chemical (IG)
	80-111	Caterpillar Tractor (IG)
	80-151	Archer-Daniels-Midland (JD)
	81-76	Kraus v. MSD (IG)
	81-116	Victory Memorial Hospital (JD)
	81-135	Metro East Sanitary Dist. (NW)
	81-143	Wheeler (IG)
*	81-163	Deere (DA)
*	81-171	Getty (IG)
*	81-177	A.S. Hansen (JD) (due 11/12)
*	81-187	Norris City Sanitary District (JD)
*	82-1	Ashland (JA)
*	82-93	Georgia-Pacific (DA) (due 10/28)
*	82-94	City of Assumption (JA) (due 10/14)