

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 5, 1985 CHICAGO, ILLINOIS

All Board Members were present.

An Interim Order was adopted in #82-82, Borden Chemical, by a vote of 7-0.

An Opinion and Order were adopted in #84-11, Cornbelt, by a vote of 4-3. Mr. Meyer concurred and Board Members J. Anderson, B. Forcade and J. Marlin dissented.

An Opinion and Order were adopted in #84-161, L & S Industries, by a vote of 7-0.

An Order dismissing the proceedings in #85-57, Kable Printing, was adopted by a vote of 7-0.

Interim Orders were adopted in these matters by a vote of 7-0: #85-83, Marathon Petroleum; R84-16, Mobil Site Specific.

A Proposed Rule, Second Notice, Opinion and Order were adopted in R84-22(C), Performance Bonds. Mr. Forcade concurred.

Motion to vacate dismissal Order of August 1, 1985 was granted in #78-139, Vickery Manor, by a vote of 7-0. Mr. Forcade will prepare an Order.

Motion to dismiss was granted in #78-233, Florence Farmer, by a vote of 7-0. Mrs. Anderson concurred. Mr. Forcade will prepare an Order.

Motion to dismiss amended complaint was denied in #83-60, Pierce Waste Oil, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Joint motion for stay of Board action was granted in #83-166, Mobil Chemical Company, by a vote of 7-0. Mr. Forcade will prepare an Order.

Motion for continuance was granted in #84-134, Woodstock Die, by a vote of 7-0. Mr. Meyer will prepare an Order.

Agency motion for leave to reply to Petitioner's response to Agency motion for extension of time to file an amended Recommendation was granted in #84-174(B), Classic Finishing, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Motion for leave to file Recommendation Instantly was granted in #84-179, Romeoville, by a vote of 7-0. Dr. Flemal will prepare

an Order.

Motion for reconsideration was granted and a supplemental Opinion and Order were adopted in #85-2, City of West Chicago, by a vote of 7-0. Mr. Dumelle concurred. Mrs. Anderson will prepare the Opinion and Order.

By a vote of 7-0, the motion to dismiss or alternatively require a more definite response was denied and renewal of application for leave to intervene was granted in #85-7, Citizens Against Woodlawn. The motion to quash the notice of deposition for Mr. Ed Steagall and the response thereto was referred to the hearing officer for disposition. Mrs. Anderson will prepare an Order.

Motion for leave to file Recommendation was granted in #85-17, S & C Electric, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion to withdraw complaint was granted in #85-30, Bruce and Katherine Jacobson, by a vote of 7-0. Mr. Dumelle concurred. Mrs. Anderson will prepare an Order.

Motion to strike was denied in #85-38, Heckett and Interlake, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Motion to voluntarily dismiss was granted in #85-43, Village of Carol Stream, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Supplemental motion to dismiss was denied in #85-97, Concerned Citizens, by a vote of 7-0. Mrs. Anderson will prepare an Order.

Motion for reconsideration was denied in #85-102, Continental Grain, by a vote of 7-0. Mr. Dumelle will prepare an Order.

Due to an objection received, a hearing was authorized in #85-107, Pfizer Pigments, by a vote of 7-0. The Clerk of the Board was directed to assign a hearing officer in this matter and a hearing date will not be scheduled until the amended petition is filed.

Motion to withdraw was granted in #85-120, City of Albion, by a vote of 7-0. Mr. Dumelle will prepare an Order.

A request for a public hearing was granted in R82-14(A&B), RACT III, by a vote of 6-1; Mr. Meyer dissented. Mr. Forcade will prepare an Order.

These matters were discussed and held to September 20, 1985 for possible consideration: ##83-178, DeKalb-Pfizer Genetics; 82-62, Amerock; 84-76, Rockford Speedway; 85-14, Electric Energy; 85-56, McHenry County; 85-86, Olin Corporation; 85-93, City of Geneva; 85-100, Village of Minooka.

This regulatory matter was discussed and held to September 20, 1985 for possible consideration: R84-22(D), Performance Bonds, New Issues, Proposed Rule, First Notice.


A second amended petition was requested in #85-125, Hanley Industries, by a vote of 7-0. Mrs. Anderson will prepare an Order.

In new cases these actions were taken by a vote of 7-0: #85-127, EPA v. Rip's Fertilizer Service, hearing mandatory; 85-128, City of Flora v. EPA, hearing mandatory; 85-130, DuPage Publication Company v. EPA, hearing mandatory, Order by Mr. Forcade; 85-132, EPA v. General Fire Extinguisher Corporation, hearing mandatory; 85-133, Commonwealth Edison Company v. EPA, hearing mandatory, Order by Mr. Forcade; 85-135, EPA v. Michael Delaney, hearing mandatory; 85-136, EPA v. Navem Patel, Erie Otten, Clarence Mitchell and J.B. Johnson, hearing mandatory; 85-137, Fred Jurcak v. EPA, hearing mandatory, Order by Mr. Forcade; R85-20, Agency Proposed Amendments to 35 Ill. Adm. Code Part 203, Major Stationary Sources Construction and Modification, accepted and authorized for hearing.

Minutes of these Regular and Special Board Meetings were approved, with corrections, by a vote of 7-0: July 11, and July 19, 1985; August 1 and August 7, 1985.

All matters not disposed of as listed were ordered held to September 20, 1985 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 24th day of October, 1985 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 5, 1985 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-031

DECISIONS:

- * 82-82 Borden Chemical, Interim Order (JM)_____
 - 84-11 Cornbelt (RF)_____
 - 84-161 L & S Industries (JD)_____
 - 85-33 Village of Hartford CSO (JD)_____
 - * 85-57 Kable Printing, Order (JA)_____
 - * 85-83 Marathon Petroleum, Interim Order (JA)_____
 - R84-16 Mobil Site Specific, Interim Order (JM)_____
 - R84-22 Performance Bonds ECIS, Proposed Rule, Second Notice
(C) _____
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MOTIONS:

- 78-139 Vickery Manor - motion to vacate dismissal order of August 1, 1985 (8/20)(BF)_____
- 78-233 Florence Farmer - motion to dismiss (7/12), motion to appear (7/18), motion to dismiss (7/30)_____
- 83-60 Pierce Waste Oil - motion to dismiss amended complaint (8/21), response (8/30)_____
- * 83-166 Mobil Chemical Co. - Agency response to motion of May 24, 1985 (8/19), joint motion for stay of Board action (9/4)(BF)_____
- * 84-134 Woodstock Die - motion for continuance (see transcript of 7/30 hearing)(JTM)_____

***INDICATES VARIANCE OR PERMIT APPEAL**

MOTIONS: (Cont'd)

- 84-174 Classic Finishing - motion for extension of time to file
(B) amended recommendation (8/26), response (8/29), Agency
 motion for leave to reply to Petitioner's response to
 Agency motion for extension of time to file amended
 recommendation (9/4)
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- * 84-179 Romeoville - motion for leave to file Recommendation
 Instanter (8/26)(RF)
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- * 84-181 Streator - motion for reconsideration (8/20)(RF)
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- 84-183 A.E. Staley - joint motion to approve settlement
 agreement and dismiss petition for review (9/4)
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- 85-2 City of West Chicago - motion for reconsideration
 (7/29), reponse (8/5)(JD)
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- 85-7 Citizens Against Woodlawn - motion to dismiss (8/12),
 response (8/15), motion for sanctions (8/15), renewal of
 application for leave to intervene (8/15), motion to
 quash (8/15), response to motion to quash (8/20)
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- 85-17 S & C Electric - motion for leave to file Recommendation
 (8/21)
-
- 85-30 Bruce and Katherine Jacobson - motion to withdraw
 complaint (8/27)(JA)
-
- 85-38 Heckett & Interlake - motion to strike (8/7), response
 (8/21)
-
- * 85-43 Carol Stream - motion to voluntarily dismiss (8/19)
-
- 85-97 Concerned Citizens - supplemental motion to dismiss
 (8/20)
-
- 85-102 Continental Grain - motion for reconsideration (8/20),
 response (8/27)(JD)
-
- * 85-107 Pfizer Pigments - objection (8/29)
-
- * 85-120 City of Albion - motion to withdraw (8/28)
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- 85-124 Browning Ferris - motion to require more definite state-
 ment (9/3)
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- R82-14 RACT III - motion to reopen the record (8/26), request
(A&B) for public hearing (8/30)(BF)
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MOTIONS: (Cont'd)

R84-44 City of Pana - motion to stay (8/1), response (8/22)
(JM) _____

DISCUSSIONS:

- 83-178 DeKalb-Pfizer Genetics (JTM) _____
- * 84-62 Amerock (JM)(open waiver) _____
- 84-76 Rockford Speedway (WN) _____
- * 85-14 Electric Energy (JA)(due 9/24) _____
- * 85-56 McHenry County (JD)(due 9/24) _____
- * 85-86 Olin Corporation (RF)(due 9/24) _____
- * 85-93 City of Geneva (RF)(due 9/24) _____
- * 85-100 Village of Minooka (RF)(due 9/24) _____
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REGULATORY DISCUSSION:

R84-22 Performance Bonds, New Issues, Proposed Rule, First
(D) Notice (JA) _____

AMENDED PETITION:

- * 85-125 Hanley Industries (filed 8/20) _____
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NEW CASES:

- * 85-126 Oasis Mobile Home Park v. EPA, Letters by EPA (8/26),
(8/29) _____
- 85-127 EPA v. Rip's Fertilizer Service _____
- * 85-128 City of Flora v. EPA _____
- 85-129 Richard W. Termaat v. Milton Anderson, City of
Belvidere, County of Boone, and the Belvidere Municipal
Landfill No. 2 (11:00 a.m., September 24, 1985) _____

NEW CASES: (Cont'd)

- * 85-130 DuPage Publication Co. v. EPA (see motion to consolidate (8/30) _____
- 85-131 Concerned Neighbors for a Better Environment v. Watts Trucking Service, Inc. (11:15 a.m., September 24, 1985) _____
- 85-132 EPA v. General Fire Extinguisher Corp. _____
- 85-133 Commonwealth Edison Company v. EPA _____
- 85-134 Illinois Department of Transportation, Chicago District of Army Corps Engineers _____
- 85-135 EPA v. Michael Delaney _____
- 85-136 EPA v. Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson _____
- R85-20 Proposed Amendments to 35 Ill. Code Part 203 (Major Stationary Sources Construction & Modification) _____
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MINUTES:

July 11 & 19, 1985

August 1 & 7, 1985

PENDING CASES ASSIGNED:

82-101 Browning-Ferris (JA)
83-122 Jennison-Wright (BF)
83-215 Commonwealth Edison (JTM)
thru
83-223
* 83-237 Village of Wauconda (RF)(due 10/10)
84-84 Mt. Vernon Water (BF)
84-125 Clairmont Trucking (BF)
* 84-134 Woodstock Die (JTM)(due (3/27/86)
* 84-179 Romeoville (RF)(due 11/7)
85-19 Monsanto (BF)
* 85-35 Warner Brake (BF)(open waiver)
* 85-95 Citizens Utilities (JA)(due 11/7)
* 85-106 Village of Oswego (RF)(due 10/24)
* 85-114 Village of Hampshire (RF)(due 11/7)