

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING SEPTEMBER 11, 1986 CHICAGO, ILLINOIS

A.M. SESSION

All Board Members were present save for Mr. Nega who was ill.

An Opinion and Order were adopted in #85-50, City of Lockport, by a vote of 6-0. (RF)

An Opinion and Order were adopted in #86-53, Central Illinois Utility, by a vote of 6-0. Mr. Dumelle concurred. (JTM)

An Interim Opinion and Order were adopted in R82-14, Coke Oven By-Product Recovery, Section 215.500 and Printing and Publishing, heatset web offset printing, by a vote of 6-0. (BF)

A Proposed Rule, First Notice, Opinion and Order were adopted in R82-14, RACT III (Petroleum Dry Cleaners), by a vote of 4-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (BF)

A Proposed Rule, Second Notice, Opinion and Order were adopted in R84-42, Pathological Incinerators, by a vote of 6-0. (BF)

A Proposed Rule, Second Notice, Opinion and Order were adopted in R84-48, LTV Steel Site-Specific, by a vote of 5-1. Dr. Flemal dissented. (JTM)

An Opinion and Order were adopted in R85-7, Central Illinois Light Company Site-Specific, by a vote of 6-0. Messrs. J. Dumelle and B. Forcade concurred. (RF)

An Order was adopted in #79-145, Celotex, by a vote of 6-0. (JA)

Motion to further stay proceedings in #85-14, Electric Energy, was granted until October 15, 1986 by a vote of 6-0. (JA)

Request for further stay in #85-35, Warner Electric Brake, was granted until November 1, 1986 by a vote of 6-0. (BF)

Motion for leave to file Instantaneous Answers and Affirmative Defenses in #86-38, Williams Pipeline, was granted by a vote of 6-0. (JTM)

Motion for sanctions in #86-44, Kenneth and Libby McNeil, was denied by a vote of 6-0. (JD)

Motion for reconsideration in #86-57, -62, Village of Sauget and Monsanto Company, was granted and, upon reconsideration, the Board reaffirmed its July 11, 1986 Order. (JA)

Motion for reconsideration in #86-58, -63, Village of Sauget and Monsanto Company, was granted and, upon reconsideration, the Board reaffirmed its July 11, 1986 Order. (JA)

Motion for leave to file Instanter the Agency Recommendation in #86-91, Ecko Glaco, was granted by a vote of 6-0. (JD)

Motion to dismiss petition for cross appeal was denied and the Board reaffirmed its August 14, 1986 Board Order in #86-109, Waste Management, by a vote of 5-1. Mr. Meyer dissented. (JA)

These cases were discussed and held to September 25, 1986 for possible consideration: ##85-202, Metropolitan Sanitary District CSO; 86-97, Village of Oak Brook.

These regulatory matters were discussed and held to September 25, 1986 for possible consideration: R84-30, City of East Peoria; R85-20, New Source Review Rule; R85-33, Coke Plant Pushing and Charging; R86-9, Hazardous Waste Prohibitions.

In new cases these actions were taken by a vote of 6-0: ##86-134, EPA v. Nabisco Brands, Inc., hearing mandatory; 86-136, EPA v. Par Steel Products and Service, hearing mandatory; 86-137, General Motors Corporation v. EPA, hearing authorized, Mr. Dumelle concurred, **Order by Mr. Forcade**; 86-138, Illinois Department of Transportation, ILT Company, Inc., **Chairman authorized to sign permit document and to prepare an Order**; 86-139, Illinois Department of Transportation, U.S. Army Corps of Engineers, hearing authorized, **Order by Mr. Forcade**; 86-140, Village of Villa Park v. EPA, additional information requested, **Order by Mr. Forcade**; 86-141, Arlington Park Racetrack v. EPA, provisional variance granted, **Opinion and Order by Mr. Dumelle**; R86-35, New Source Performance Standards, **Resolution and Order by Mr. Meyer**; R86-36, Agency Proposed Amendments to 35 Ill. Adm. Code 215.204, Heavy Duty Off-Highway Vehicles, accepted for publication and hearing authorized.

Minutes of the August 28, 1986 Board meeting were approved by a vote of 6-0. (Thereafter the meeting was adjourned)

P.M. SESSIONS

An Opinion and Order were adopted in #86-59, City of Round Lake Beach, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

An Opinion was adopted in #86-76, Fritz Enterprises, by a vote of 4-2. Messrs. Forcade and Flemal dissented. (JA)

An Opinion and Order were adopted in #86-80, City of Ottawa, by a vote of 6-0. (JTM)

This matter was discussed and held to September 25, 1986 for possible consideration: R85-28, National Can Site-Specific.

Motions to dismiss and to vacate a Hearing Officer Order in #86-108, Joliet Sand and Gravel, were denied by a vote of 5-1. Mr. Meyer dissented. (JA)

Agency motion to dismiss in #86-119, Enron Chemical, was denied by a vote of 6-0. (BF)

The Chairman was authorized to sign the permit document and to prepare an Order in #86-128, Illinois Department of Transportation, Congregation B'nai Torah, by a vote of 6-0.

An Order denying the Agency's motion for extension of time to respond to a September 10, 1986 motion for declaration of confidentiality (filed under docket R86-10) and dismissing the proceedings in #86-146, Trade Secret Determination for Abbott Laboratories, was adopted by a vote of 6-0. (JD)

All other matters not disposed of as listed were ordered held to September 25, 1986 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 25th day of September, 1986 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 11, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-036

DECISIONS:

- * 85-50 City of Lockport (RF)(due)_____
 - * 86-53 Central Illinois Utility (JTM)(due)_____
 - * 86-59 City of Round Lake Beach (RF)(due 9/25)_____
 - * 86-76 Fritz Enterprises, Opinion (JTM)_____
 - * 86-80 City of Ottawa (JTM)(due)_____
 - R82-14 RACT III (Doc. A & B)(BF)_____
Petroleum Dry Cleaners, First Notice_____
Coke Ovens (Section 215.500) withdraw First Notice_____
Heatset Web Offset Agency Proposed Amendment to
definition of VOM_____
 - R84-42 Pathological Incinerators, Second Notice (BF)_____
 - R84-48 LTV Steel Site-Specific, Proposed Rule, Second Notice,
Opinion and Order (JTM)_____
 - R85-7 CILCO Site-Specific (RF)_____
 - R85-11 East St. Louis Site-Specific (RF)_____
 - R85-28 National Can Site-Specific, Proposed Rule, First Notice,
Opinion and Order (JTM)_____
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*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- 79-145 Celotex - Celotex objection to complainant's filing with Board "The Champaign Quality Assurance Program Documents" (8/20), Celotex motion to Board to overrule certain aspects of Hearing Officer order regarding implementation of sanctions (8/20), Complainant's objection to Celotex's motion to Board to overrule certain aspects of Hearing Officer order regarding implementation of sanctions (8/27), Application for substitution of Attorney (9/5), Celotex opposition to application for substitution of Attorney (9/8)(JA)
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- 85-14 Electric Energy - Status Report and motion to further stay proceedings (8/27)(JA)
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- 85-35 Warner Electric Brake - request for further stay (9/8)(BF)
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- 86-38 Williams Pipeline - motion for leave to file Instanter Answers and Affirmative Defenses (9/8)
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- 86-44 Kenneth and Libby McNeil - motion for sanctions and to bar Complainants from participating in the hearing (9/3)
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- 86-57) Village of Sauget - motion for reconsideration (8/15)
86-62) (JA)
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- 86-58) Village of Sauget - motion for reconsideration (8/15)
86-63) (JA)
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- 86-91 Ecko Glaco - motion for leave to file Agency Recommendation Instanter (9/5)
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- 86-108 Joliet Sand & Gravel - motion to dismiss (8/8), Memorandum in opposition to motion to dismiss (9/3), emergency motion to the Board to vacate an Order requiring certain discovery (9/5), Opposition to emergency motion to vacate an Order requiring certain discovery (9/8)
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- 86-109 Waste Management - motion to dismiss petition for cross appeal (8/15)
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- 86-119 Enron Chemical - motion to dismiss (8/26), response in opposition to motion to dismiss (9/2)
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- R86-10 Abbott Laboratories - motion for extension of time to respond to motion for declaration of confidentiality (9/10)(JD)
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DISCUSSIONS:

85-202 Metropolitan S.D. CSO (JD)_____

* 86-97 Village of Oak Brook (JM)(due 9/25)_____

REGULATORY DISCUSSIONS:

R84-30 City of East Peoria (BF)_____

R85-20 New Source Review Rule (JD)_____

R86-9 Hazardous Waste Prohibitions, Possible Emergency Rule
(JD)_____**NEW CASES:**

86-134 EPA v. Nabisco Brands, Inc._____

86-136 EPA v. Par Steel Products & Service_____

86-137 General Motors Corporation v. EPA_____

86-138 IDOT, ILT Company Inc. (JD)_____

86-139 IDOT, U.S. Army Corps of Engineers (JD)_____

R86-35 New Source Performance Standards (JTM)_____

R86-36 Agency Proposed Amendments to 35 Ill. Adm. Code 215.204,
Heavy Duty Off-Highway Vehicles_____**MINUTES:**

August 28, 1986_____

PENDING CASES ASSIGNED:

80-21 Interstate Pollution Control (WN)
81-144 Marathon (JD)
81-151 Dean Foods (BF)
82-101 Browning-Ferris (JD)
82-144 City of Galena (JD)
83-163 Larry Bittle (RF)
84-93 S.C. Industries (BF)
84-124 Overnite Trucking (BF)
84-125 Clairmont Trucking (BF)
84-161 L&S Industries (JD)
* 85-14 Electric Energy (JA)(open waiver)
85-19 Monsanto (BF)
* 85-84 Illinois Power Company (JD)(due 11/6)
85-129 Richard Termaat (JA)
85-173 Majestic Wood (JD)
* 85-179 Camsco Produce (JTM)(due 11/20)
85-208 North Shore S.D. CSO (BF)
* 85-209 Village of Carol Stream (RF)(due 10/23)
85-219 City of Watseka CSO (JD)
85-222 S.D. of Elgin CSO (JTM)
85-224 Aurora S.D. CSO (BF)
86-1 City of Peru CSO (JTM)
86-2 City of LaSalle CSO (JTM)
86-3 City of Oglesby CSO (JA)
86-6 City of Wood River CSO (JD)
* 86-9 Trilla Steel Drum (JM)(due 11/20)
* 86-12 Illinois Power (RF)(due 10/9)
* 86-71 U.S. Army Corps/Alton Packaging (JM)(due 10/14)
* 86-73 Village of Pawnee (JTM)(due 10/9)