

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
OCTOBER 9, 1986 CHICAGO, ILLINOIS**

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

An Opinion and order were adopted in #86-71, Alton Packaging, by a vote of 6-0. Board Members J. Anderson and J. Dumelle concurred. **(JM)**

An Opinion and Order were adopted in #86-73, Village of Pawnee, by a vote of 6-0. **(JTM)**

An Order was adopted in R84-20, City of Joliet Site-Specific, by a vote of 6-0. **(JTM)**

An Interim Order was adopted in R84-19, Mine Rule Amendments, by a vote of 6-0. **(RF)**

An Order was adopted in R84-49, American Brick Company Site-Specific, by a vote of 6-0. **(JTM)**

A Proposed Emergency Rule, Proposed Opinion and Order were adopted in R86-9, Hazardous Waste Prohibitions, by a vote of 5-1. Dr. Flemal dissented and Messrs. B. Forcade and J. Theodore Meyer concurred. **(JD)**

A Proposal for Public Comment, Proposed Opinion and Order were adopted in R86-28, RCRA Update, by a vote of 6-0. **(JA)**

Motion to dismiss with leave to reinstate Counts I, II, III and V of the Complaint was denied in #79-145, Celotex, by a vote of 6-0. Mr. Dumelle concurred. **(JA)**

An agreed motion to dismiss was granted in #85-121, Commonwealth Edison, by a vote of 6-0. **(JD)**

An agreed motion to dismiss was granted in #85-133, Commonwealth Edison, by a vote of 6-0. **(JD)**

An Interim Order was adopted in #86-10, Bravo-Ernst, by a vote of 5-1. Mr. Meyer dissented and Mr. Dumelle concurred. **(BF)**

Motion for leave to file Instant the Agency Recommendation was granted in #86-121, City of Joliet, by a vote of 6-0. **(JA)**

Motion to dismiss petition for cross appeal was denied and motion for extension of time to file Record of proceedings was granted in #86-149, Laidlaw Waste Systems, by a vote of 6-0. After the vote, J. Anderson moved for reconsideration due to a last minute response objecting to the motion for extension of time. Upon

reconsideration the Board adopted an Order denying the motion to dismiss petition for cross appeal by a vote of 6-0 and granting the motion for extension of time by a vote of 5-1. Mr. Meyer dissented. **(JA)**

These cases were discussed and held to October 23, 1986 for possible consideration: ##80-21, Interstate Pollution Control; 81-144, Marathon Petroleum Company; 85-129, Richard Termaat.

These regulatory matters were discussed and held to October 23, 1986 for possible consideration: R82-27, -36, 83-37, Procedural Rules; R83-7, Stationary Noise; R85-20, New Source Review Rule; R86-19, RCRA Update.

In new cases these actions were taken by a vote of 6-0: ##86-157, City of Elmhurst v. EPA, additional information requested, **Order by B. Forcade**; 86-158, Village of Elizabethtown v. EPA, additional information requested, **Order by J. Dumelle**; 86-159, Joliet Sand & Gravel v. EPA, motion for extension of time granted and hearing authorized, **Order by J. Anderson**; 86-160, EPA and the People of the State of Illinois v. Fitz-Mar, Inc., hearing mandatory; 86-161, EPA v. Elizabeth Street Foundry, Inc., hearing mandatory; 86-162, Deere & Company v. EPA, additional information requested, **Order by J. Dumelle**; 86-163, Monsanto Company v. EPA, motion for leave to appear granted and hearing authorized, **Order by J. Dumelle**; 86-164, Illinois Department of Transportation, 1400 Sheridan Wilmette Corporation, **Chairman authorized to sign permit document and to prepare an Order**; 86-165, City of Ottawa v. EPA, held for an Agency Recommendation; 86-166, EPA v. American Stair Corporation, hearing mandatory; 86-167, EPA v. The Steel Company, hearing mandatory; 86-168, Commonwealth Edison Company v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 86-169, City of Elmhurst v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; R86-43, NESHAPS, **Resolution and Order by J. Theodore Meyer**; R86-44, Pretreatment Regulations, docket opened for purpose of promulgating regulations establishing a pretreatment program, **Order by J. Marlin**; R86-45, NESHAPS, **Resolution and Order by J. Theodore Meyer**; R86-46, RCRA Update, docket opened for purpose of amending RCRA rules to correspond with USEPA rules adopted between July 1 and September 30, 1986, **Order by J. Anderson**.

Minutes of these Board meetings were approved by a vote of 6-0: September 25 and October 2 and 6, 1986.

All other matters not disposed of as listed were ordered held to October 23, 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 23rd day of October, 1986 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 9, 1986 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040

DECISIONS:

- * 86-71 Army Corps of Engineers and Alton Packaging (JM)(due)
- * 86-73 Village of Pawnee (JTM)(due)
- R84-20 City of Joliet, Order (JTM)
- R84-29 Mine Rule Amendments, Interim Order (RF)
- R84-49 American Brick Company, Order (JTM)
- R86-9 Hazardous Waste Prohibitions (JD)
(A)
- R86-28 RCRA Update (JA)

MOTIONS:

- 79-145 Celotex - Complainant's motion to dismiss with leave to reinstate Counts I, II, III, and V of the Complaint (9/24), Celotex response in opposition to motion to dismiss with leave to reinstate Counts I, II, III, and V of the Complaint (10/2)
- 85-121 Commonwealth Edison - agreed motion to dismiss (9/26)
- 85-133 Commonwealth Edison - agreed motion to dismiss (9/26)
- 86-10 Bravo-Ernst - motion for reconsideration (9/18), Agency response (10/8)(BF)
- 86-121 City of Joliet - motion for leave to file Recommendation Instanter (10/6)(JA)

*INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

86-149 Laidlaw Waste Systems - motion to dismiss petition for cross appeal (9/29), motion for extension of time to file Record of proceedings (10/7)_____

R82-14 RACT III - motion for reconsideration (10/2)(BF)_____

DISCUSSIONS:

80-21 Interstate Pollution Control (JD)_____

81-144 Marathon Petroleum Company (JD)_____

85-129 Richard Termaat (JA)_____

REGULATORY DISCUSSIONS:

R82-27) Procedural Rules (BF)_____

R82-36)

R83-37)

R83-7 Stationary Noise (JA)_____

R85-20 New Source Review Rule (JD)_____

R86-19 RCRA Update (JA)_____

NEW CASES:

86-157 City of Elmhurst v. EPA (BF)_____

86-158 Village of Elizabethtown v. EPA_____

86-159 Joliet Sand & Gravel v. EPA (See motion for extension of time dated 10/8)_____

86-160 EPA and the People of the State of Illinois v. Fitz-Mar, Inc._____

86-161 EPA v. Elizabeth Street Foundry, Inc._____

86-162 Deere & Company v. EPA_____

86-163 Monsanto Company v. EPA (See motion for leave to appear dated 10/6)_____

NEW CASES: (Cont'd)

86-164 IDOT, 1400 Sheridan Wilmette Corporation (JD)

86-165 City of Ottawa v. EPA _____
86-166 EPA v. American Stair Corporation _____
86-167 EPA v. the Steel Company _____
86-168 Commonwealth Edison v. EPA (Provisional Variance)(JD)

86-169 City of Elmhurst v. EPA (Provisional Variance (JD)

R86-43 NESHAPS (JTM) _____
R86-44 Pretreatment Regulations (JM) _____
R86-45 NESHAPS (JTM) _____
R86-46 RCRA Update (July 1, 1986 through September 30, 1986)
(JA) _____

MINUTES:

September 25, 1986 _____

October 2, 1986 _____

October 6, 1986 _____

PENDING CASES ASSIGNED:

81-151 Dean Foods (BF)
82-101 Browning-Ferris (JD)
82-144 City of Galena (JD)
83-163 Larry Bittle (RF)
* 84-81 Nesco Steel Barrel (JTM)(due 1/22)
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)
85-69 Maplehurst Farms (JM)
* 85-84 Illinois Power Company (JD)(due 11/6)
85-88 Richard Nauman (JD)
* 85-138 North Shore Sanitary District (JA)(open waiver)
* 85-166 Citizens Utilities (RF)(open waiver)
85-173 Majestic Wood (JD)
* 85-179 Camsco Produce (JTM)(due 11/20)
85-202 Metropolitan S.D. CSO (JD)
85-208 North Shore S.D. CSO (BF)
* 85-209 Village of Carol Stream (RF)(due 1/22)
85-218 City of Belleville CSO (JD)
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 11/20)
* 86-48 Wells Manufacturing (RF)(due 12/18)
86-50 Chicago Steel (JD)
86-56 Trilla Steel Drum (JD)
* 86-91 Ekco Glaco Corporation (JM)(due 11/20)
86-102 Ekco Products (RF)
* 86-109 Waste Management (JM)(due 11/20)
* 86-121 City of Joliet (JA)(due 11/6)
* 86-150 American Hoechst (JM)(open waiver)