

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING  
OCTOBER 1, 1987 CHICAGO, ILLINOIS**

**A.M. SESSION**

All Board Members were present. Chairman Dumelle introduced Board Member Michael L. Nardulli who had recently been appointed to the Board. Mr. Nardulli abstained from voting at the meeting.

An Opinion and Order was adopted in #85-118, City of Rock Island, by a vote of 5-1. B. Forcade dissented. (RF)

An Opinion and Order was adopted in #86-205, Schrock, by a vote of 6-0. (JM)

An Opinion and Order was adopted in #87-51, A.R.F. Landfill, by a vote of 5-1. J. Theodore Meyer dissented and J. Anderson, B. Forcade and R. Flemal concurred. (JD)

An Adopted Rule, Final Opinion was adopted in R82-14, RACT III, Heatset Web Offset, by a vote of 6-0. J. Theodore Meyer concurred. (BF)

A Second Notice, Opinion and Order was adopted in R82-14, RACT III, Coatings, by a vote of 6-0. (BF)

An Adopted Rule, Final Opinion was adopted in R82-14, RACT, Polystyrene, by a vote of 6-0. (BF)

Motion to amend by J. Dumelle and seconded by J. Theodore Meyer in R86-36, Heavy Duty Off-Highway Vehicles, failed to carry by a 2-4 vote with J. Dumelle and J. Theodore Meyer for it and J. Anderson, B. Forcade, R. Flemal and J. Marlin against. A Proposed Rule, Second Notice, Opinion and Order was then adopted by a vote of 4-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (RF)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-83, Enermet Industries; 87-85, City of Wood River; 87-86, Belleville/Paule.

Interim Orders were adopted in these Administrative Citations by a vote of 5-1. B. Forcade dissented: ##87-74, Paul and Joan Corley; 87-89, Village of East Galesburg; 87-99, Eugene Funk.

Agency motion to withdraw was granted in #AC87-87, Village of Ladd, by a vote of 6-0. (JD)

Agency motion to file an Amended Administrative Citation was

granted in #AC87-95, City of Herrin, by a vote of 6-0. (JD)

A hearing was authorized in #87-139, Browning-Ferris Industries, by a vote of 6-0.

Motion by J. Anderson and seconded by B. Forcade to deny Petitioner's motion to allow a late filing in #84-81, Nesco Steel Barrel, failed to carry by a 3-3 vote with J. Anderson, R. Flemal, and J. Marlin for and J. Dumelle, B. Forcade and J. Theodore Meyer against. Motion by J. Dumelle and seconded by J. Theodore Meyer to grant Petitioner's motion carried by a vote of 4-2. Messrs. B. Forcade and J. Marlin dissented. (JD)

Agency motion for Sanctions in #85-101, Capital Engineering, was referred to the Hearing Officer for disposition.

An Order directing Petitioner to file, on or before October 15, 1987, an affidavit supporting its motion for modification of the Board's February 5, 1987 Opinion and Order in #86-3, City of Oglesby, was adopted by a vote of 6-0. (JA)

An Order directing Petitioner to file, on or before October 15, 1987, an affidavit supporting its motion for extension of time, which essentially seeks modification of the Board's Orders of January 22 and June 25, 1987 in #86-165, City of Ottawa, was adopted by a vote of 6-0. (JA)

An Order granting Respondent's motion to consider the record of original hearing and directing the Hearing Officer not to schedule a second hearing in #86-193, City of Freeport, was adopted by a vote of 5-1. B. Forcade dissented. (JM)

Motion to dismiss was granted in #86-222, Vickory Manor, by a vote of 6-0. (BF)

A verified motion to modify a May 28, 1987 Board Order in #86-223, Morton Thiokol, was granted by a vote of 6-0. (JTM)

Motion for reconsideration was granted and motion for modification was denied and the Board reaffirmed its July 16, 1987 Opinion and Order in #86-225, City of Geneva, by a vote of 5-1. B. Forcade dissented. (JA)

Agency motion to file Instanter its Recommendation in #87-114, Village of Willowbrook, was granted by a vote of 6-0. (JA)

Petitioner's motion for voluntary dismissal was granted in #87-123, Allied-Hastings, by a vote of 6-0. (JA)

These cases were discussed and held to October 15, 1987 for possible consideration: ##85-218, City of Belleville CSO; 86-50, Chicago Steel; 86-167, The Steel Company; 87-83, Village of North Aurora; 87-92, City of Rockford.

These regulatory matters were discussed and held to October 15, 1987 for possible consideration: R82-14, RACT III, 3M Site-Specific; R83-23, City of Tuscola; R85-20, New Source Review Rules; R86-37, Definition of VOM; R86-39, SOCOMI VOC; R86-40, Air Oxidation SOCOMI.

A Revised Proposal for Public Comment, Opinion and Order were adopted in R86-44, Pretreatment Regulations, by a vote of 6-0.  
**(JM)**

In amended petitions these actions were taken by a vote of 6-0: ##87-39, Village of Roselle, Board's decision timeclock restarted with September 21, 1987 filing of Petitioner's Supplement to Amended Petition for Variance, **Order by J. Anderson**; 87-98, Lustour Corporation, held to October 15, 1987 for possible consideration; 87-115, Fred Nielsen, additional information requested, **Order by J. Dumelle**.

In new cases these actions were taken by a vote of 6-0: ##87-136, Roadmaster Corporation v. EPA, Agency motion to dismiss denied and additional information requested (**JD**); 87-137, City of Delavan v. EPA, held for an Agency Recommendation; 87-138, Illinois Department of Transportation, Gilbert Curren, **Chairman authorized to sign the permit document and to prepare an Order**; 87-140, Village of Hinckley v. EPA, additional information requested, **Order by J. Anderson**; 87-141, Illinois Department of Transportation, Charles L. Foster, **Chairman authorized to sign the permit document and to prepare an Order**; 87-142, Indian Refining Company and Texaco Refining and Marketing, Inc. v. EPA, Petitioner's motion for leave to allow its attorney, who is not licensed to practice in Illinois, to appear was granted and a hearing was authorized, **Order by J. Anderson**; 87-144, Illinois Department of Transportation, Naval Reserve Readiness Command Region Thirteen, **Chairman authorized to sign the permit document and to prepare an Order**; 87-145, Oaklane Acres Subdivision v. EPA, provisional variance granted, **Opinion and Order of the Board by J. Dumelle**; 87-146, American National Can Company v. EPA, hearing authorized, **Order by B. Forcade**; R87-34, City of Rock Island Site-Specific, accepted for publication and hearing and 200 signature requirement waived.

This Administrative Citation will be set for hearing: #AC87-84, Forrest Bushert.

Minutes of the September 17 and September 24, 1987 Board Meetings were approved by a vote of 6-0.

Chairman Dumelle then thanked Board Assistant David Mueller for his assistance to the Board and wished him success in his new position. **(Thereafter the meeting was recessed)**

#### P.M. SESSION

The Board reconvened at 3:00 p.m. Present were J. Dumelle, B.


Forcade, J. Marlin and J. Theodore Meyer. J. Anderson and R. Flemal were not present and M. Nardulli did not vote.

A provisional variance was granted in #87-134, I.B.S., Inc. v. EPA, by a vote of 4-0. (JD)

There being no further business the meeting was adjourned.

All other matters not disposed of as listed were ordered held to October 15, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 15<sup>th</sup> day of October, 1987 by a vote of 6-0.

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

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
October 1, 1987 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

AC INTERIM ORDERS:

87-99 Eugene Funk \_\_\_\_\_

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AMENDED PETITIONS:

87-39 Village of Roselle (Supplement to Amended Petition  
filed 9/21)(JA) \_\_\_\_\_

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NEW CASES:

87-146 American National Can Co. v. EPA \_\_\_\_\_

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
OCTOBER 1, 1987 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- 85-118 City of Rock Island (RF)(open waiver) \_\_\_\_\_
- 86-205 Schrock (JM) \_\_\_\_\_
- \* 87-51 A.R.F. Landfill, Order (JD)(due) \_\_\_\_\_
- R82-14 RACT III, Heatset Web Offset, Adopted Rule, Final  
Opinion (BF) \_\_\_\_\_
- R82-14 RACT III, Coatings, Second Notice, Opinion and Order  
(BF) \_\_\_\_\_
- R86-12 RACT, Polystyrene, Adopted Rule, Final Opinion (BF)  
\_\_\_\_\_
- R86-36 Heavy Duty Off-Highway Vehicles, Proposed Rule, Second  
Notice, Opinion and Order (RF) \_\_\_\_\_

AC DECISIONS:

- 87-83 Enermet Industries \_\_\_\_\_
- 87-85 City of Wood River \_\_\_\_\_
- 87-86 Belleville/Paule \_\_\_\_\_

AC INTERIM ORDERS:

- 87-74 Paul & Joan Corley \_\_\_\_\_
- 87-89 Village of East Galesburg \_\_\_\_\_

\*INDICATES VARIANCE OR PERMIT APPEAL  
\*\*INDICATES ADMINISTRATIVE CITATION APPEAL

AC MOTIONS:

- 87-87 Village of Ladd - Agency motion to withdraw (9/25)  
\_\_\_\_\_
- 87-95 City of Herrin - Agency motion to file Amended  
Administrative Citation (9/21)  
\_\_\_\_\_
- 87-99 Eugene Funk - request for Stay (9/17), Agency motion in  
opposition to Stay (9/29)  
\_\_\_\_\_

MOTIONS:

- 84-81 Nesco Steel Barrel - Petitioner's motion to allow late  
filing (9/10), Agency response to motion to allow late  
filing (9/21), Petitioner's Reply to Agency's response  
(9/23)  
\_\_\_\_\_
- 85-101 Capital Engineering - Agency motion for Sanctions (9/21)  
Respondent's response to Agency motion for Sanctions  
(9/28)  
\_\_\_\_\_
- 86-3 City of Oglesby - motion to modify February 5, 1987  
Board Order (9/30)(JA)  
\_\_\_\_\_
- 86-165 City of Ottawa - motion for extension of time  
(9/21)(JA)  
\_\_\_\_\_
- 86-193 City of Freeport - motion to consider record of original  
hearing etc. (9/14), Complainants' response (9/22)(JM)  
\_\_\_\_\_
- 86-222 Vickery Manor - motion to dismiss permit appeal  
(9/21)(BF)  
\_\_\_\_\_
- 86-223 Morton Thiokol - verified motion to modify May 28, 1987  
Board Order (9/14), Agency response to motion to modify  
(9/28)(JTM)  
\_\_\_\_\_
- 86-225 City of Geneva - Petitioner's motion for reconsideration  
(8/20), Agency's response to Petitioner's motion for  
reconsideration (9/3)(JA)  
\_\_\_\_\_
- 87-10 Island Lake Water Company - motion for Directed or  
Summary Finding (9/22)(JM)  
\_\_\_\_\_
- 87-114 Village of Willowbrook - Agency motion to file  
Recommendation Instanter (9/17)(JA)  
\_\_\_\_\_
- 87-123 Allied-Hastings - Petitioner's motion for voluntary  
dismissal (9/21)(JA)  
\_\_\_\_\_

DISCUSSIONS:

- 85-218 City of Belleville CSO (JD) \_\_\_\_\_
- 86-50 Chicago Steel (RF) \_\_\_\_\_
- 86-167 The Steel Company (JA) \_\_\_\_\_
- \* 87-83 Village of North Aurora (JTM)(due 11/19) \_\_\_\_\_
- \* 87-92 City of Rockford (JA)(due 10/29) \_\_\_\_\_

REGULATORY DISCUSSIONS:

- R82-14 RACT III, 3M Site-Specific (BF) \_\_\_\_\_
- R83-23 City of Tuscola (JM) \_\_\_\_\_
- R85-20 New Source Review, Proposed Rule, Second Notice,  
Proposed Opinion and Order (JD) \_\_\_\_\_
- R86-37 Definition of VOM (BF) \_\_\_\_\_
- R86-39 SOCFI VOC (JD) \_\_\_\_\_
- R86-40 Air Oxidation SOCFI (JD) \_\_\_\_\_
- R86-44 Pretreatment Regulations (JM) \_\_\_\_\_

AMENDED PETITIONS:

- 87-98 Lustour Corporation (file 9/28) \_\_\_\_\_
- 87-115 Fred Nielsen (filed 9/18) \_\_\_\_\_

NEW CASES:

- 87-136 Roadmaster Corporation v. EPA (See also Agency motion to  
dismiss and objection to petition filed (9/23)) \_\_\_\_\_
- 87-137 City of Delavan v. EPA \_\_\_\_\_
- 87-138 IDOT, Gilbert Curren (JD) \_\_\_\_\_
- 87-139 Thomas & Lisa Annino v. Browning-Ferris Industries of  
Illinois (11:00 a.m.) \_\_\_\_\_



NEW CASES: (Cont'd)

87-140 Village of Hinckley v. EPA \_\_\_\_\_

87-141 IDOT, Charles L. Foster (JD) \_\_\_\_\_

87-142 Indian Refining Company and Texaco Refining and  
Marketing, Inc. v. EPA \_\_\_\_\_

87-143 I. B. S. Inc. v. EPA \_\_\_\_\_

87-144 IDOT, Naval Reserve Readiness Command Region Thirteen  
(JD) \_\_\_\_\_

87-145 Oaklane Acres Subdivision v. EPA \_\_\_\_\_

R87-34 City of Rock Island Site-Specific (See also motion to  
file petition without supporting signature requirement  
(9/29)) \_\_\_\_\_

AC APPEALS:

\*\* 87-84 Forrest Bushert \_\_\_\_\_

MINUTES:

September 17, 1987 \_\_\_\_\_

September 24, 1987 \_\_\_\_\_

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)  
\* 83-49 Alton Packaging (RF)(open waiver)  
\* 83-55 Alton Packaging (RF)(open waiver)  
84-64 Rodger Diamond (JD)  
84-83 Russell Perkinson (JM)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
85-19 Monsanto (BF)  
\* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
85-136 Navem Patel (BF)  
\* 85-154 Modine Manufacturing (RF)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
\* 85-179 Camsco Produce (JTM)(due 11/19)  
\* 85-190 Sours Grain (JD)(open waiver)  
\* 85-209 Village of Carol Stream (RF)(due 4/21/88)  
85-213 Village of Western Springs (BF)  
85-224 Aurora S.D. CSD (BF)  
86-4 City of Morris, CSD (JD)  
86-27 Modine Manufacturing (RF)  
86-51 Super Container Company (JA)  
86-110 Village of Dunlap (JD)  
86-136 Par Steel Products (JD)  
\* 86-150 American Hoechst (JM)(open waiver)  
86-161 Elizabeth Street Foundry (JD)  
\* 86-174 IBP, Inc. (JM)(open waiver)  
\* 86-185 Citizens Utilities (JA)(due 12/3)  
\* 86-187 The New Jersey Zinc (JD)(open waiver)  
86-193 City of Freeport (JM)  
\* 86-218 City of East Moline (JD)(open waiver)  
\* 86-222 Vickory Manor (JM)(due 11/19)  
\* 86-224 General Tire (BF)(due 12/17)  
\* 87-7 Pearson Industries (BF)(open waiver)  
87-10 Island Lake Water Company (JM)  
\* 87-15 Honeywell, Inc. (BF)(due 10/29)  
\* 87-39 Village of Roselle (JA)(due 10/29)  
\* 87-41 Ekco Glaco (JD)(due 10/29)  
\* 87-50 Pike County Sand & Gravel (JA)(due 11/19)  
\* 87-69 Village of Romeoville (JTM)(due 11/19)  
87-71 City of Dixon CSD (JM)  
\* 87-75 Waste Management (RF)(due 11/19)  
\* 87-76 Gertrude Guerrettaz (BF)(due 1/21)  
\* 87-94 Riverside Coatings (JA)(due 12/3)  
\* 87-107 Lake County Public Works (JTM)(due 12/17)  
\* 87-114 Village of Willowbrook (JA)(due 11/19)  
\* 87-116 Industrial Services (JA)(due 12/3)  
\* 87-122 Wabash & Lawrence Counties (JM)(due 12/3)  
\* 87-133 McLean County Disposal (JTM)(due 12/17)