

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
OCTOBER 15, 1987 CHICAGO, ILLINOIS

All Board Members were present. Mr. Nardulli abstained from voting.

An Order correcting the first paragraph of the October 1, 1987 Order adopted in #85-118, City of Rock Island, was adopted by a vote of 5-1. B. Forcade dissented. (RF)

An Opinion and Order was adopted in #86-50, Chicago Steel Container, by a vote of 5-1. J. Theodore Meyer dissented. (RF)

An Opinion and Order was adopted in #86-167, The Steel Company, by a vote of 5-1. J. Theodore Meyer dissented. (JA)

An Opinion and Order was adopted in #87-83, Village of North Aurora, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (JTM)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R85-23, City of Tuscola, by a vote of 5-1. B. Forcade dissented and J. Dumelle concurred. (JM)

An Opinion and Order was adopted in R85-26, WIPCO Site-Specific, by a vote of 6-0. Messrs. J. Dumelle and J. Theodore Meyer concurred. (RF)

A Proposed Rule, Second Notice, Proposed Opinion and Order was adopted in R86-39, SOCFI VOC, by a vote of 6-0. (JD)

A Proposed Rule, Second Notice, Proposed Opinion and Order was adopted in R86-40, Air Oxidation SOCFI, by a vote of 6-0. (JD)

An Adopted Rule, Final Opinion and Order were adopted in R87-5, RCRA Update (October 1, 1986 through December 31, 1986), by a vote of 6-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-52, Richard Krohn; 87-88, LeRoy Robinson; 87-90, Robert Stevenson; 87-91, City of Polo; 87-92, Randolph County Landfill and Salvage.

An Interim Order granting a limited motion for stay and granting the Agency until November 13, 1987 to make a supplementary filing was adopted in #AC87-74, Paul and Jean Corley, by a vote of 6-0. (JA)

Motion to modify a February 5, 1987 Board Order in #86-3, City of Oglesby, was granted by a vote of 5-1. B. Forcade dissented. (JA)

Petitioner's motion to render a decision without hearing in #86-174, IBP, was granted by a vote of 5-1. J. Dumelle dissented. (JM)

Respondent was ordered to file a proof of service of its motion for Directed or Summary Finding by October 28, 1987 upon the Complainant in #87-10, Island Lake Water Company, by a vote of 6-0. The Board will dispose of Respondent's motion when it makes a decision on the merits of this proceeding. (JM)

An Order striking A.R.F.'s motion to dismiss Petitioner's appeal for improper notice, lack of property interest and lack of jurisdiction, was adopted in #87-75, Waste Management, by a vote of 6-0. J. Theodore Meyer concurred. (RF)

Motion to correct the Agency Record was granted in #87-89, Cargill, by a vote of 6-0. Upon a motion for reconsideration by J. Anderson and seconded by R. Flemal, Petitioner's motion and all responses will be considered by the Board in conjunction with the case-in-chief. (JD)

An Order directing the Hearing Officer to set up a briefing schedule which establishes a date for the submission of the comments (briefs), a date for the submission of responses, and a date for the submission of replies was adopted in R86-9(B), Hazardous Waste Prohibitions, by a vote of 5-1. J. Theodore Meyer dissented. (JD)

These cases were discussed and held to October 29, 1987 for possible consideration: ##85-218, City of Belleville CSO; 87-41, Ekco Glaco; 87-94, Riverside Coatings.

These regulatory matters were discussed and held to October 29, 1987 for possible consideration: R84-16, Mobil Oil Site-Specific; R86-37, Definition of VOM.

In amended petitions these actions were taken by a vote of 6-0: ##87-56, Mt. Vernon Association, held for an Agency Recommendation; 87-90, American Steel, hearing authorized, Order by B. Forcade; 87-91, American Steel, hearing authorized, Order by B. Forcade; 87-98, Lustour Corporation, hearing authorized, Order by B. Forcade; 87-111, Howard S. Spurgeon, held for an Agency Recommendation; 87-116, Industrial Services, 120-day decision time clock restarted; 87-127, response to Board Order construed as an amended petition and 120-day decision time clock restarted, Order by B. Forcade; 87-128, response to Board Order construed as an amended petition and 120-day decision time clock restarted, Order by B. Forcade; 87-140, Village of Hinckley, held for an Agency Recommendation.

In new cases these actions were taken by a vote of 6-0: ##87-147, Del Monte Corporation v. EPA, hearing authorized, Order by B. Forcade; 87-148, Industrial Services, Inc. v. EPA, hearing authorized, Order by B. Forcade; 87-149, USI Chemical Company v.

EPA, hearing authorized, **Order by B. Forcade**; 87-150, Natural Gas Pipeline Company v. EPA, hearing authorized, **Order by B. Forcade**; 87-151, Acme Steel Company v. EPA, hearing authorized and Metropolitan Sanitary District of Greater Chicago joined as a party respondent, **Order by B. Forcade**; 87-152, Acme Steel Company v. EPA, hearing authorized and Metropolitan Sanitary District of Greater Chicago joined as a party respondent, **Order by B. Forcade**; 87-153, Acme Steel Company v. EPA, hearing authorized and Metropolitan Sanitary District of Greater Chicago joined as a party respondent, **Order by B. Forcade**; 87-154, King-Seeley Thermos Company v. EPA, hearing authorized, **Order by B. Forcade**; 87-155, Illinois Department of Transportation, Dan Asher, **Chairman authorized to sign the permit document and to prepare an Order**; 87-156, Allied-Hastings Barrel and Drum Service, Inc. v. EPA, hearing authorized, **Order by B. Forcade**; 87-158, City of Yorkville v. EPA, additional information requested, **Order by J. Dumelle**; 87-159, Outboard Marine Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 87-160, Congress Development Company v. EPA, hearing authorized, **Order by B. Forcade**; R87-35, City of East Moline Site-Specific, motion to consolidate with R87-34 by R. Flemal failed to carry by a 3-3 vote with J. Dumelle, R. Flemal and J. Theodore Meyer for and J. Anderson, B. Forcade and J. Marlin against. The petition was then authorized for publication and hearing and the 200-signature requirement waived.


Additional information was requested in new case #87-157, Frantz Manufacturing Company v. EPA, by a vote of 5-1. R. Flemal dissented. (JD)

This Administrative Citation will be set for hearing: #87-93, Russell Noel.

Minutes of the October 1, 1987 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to October 29, 1987 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 29th day of October, 1987 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
October 15, 1987 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

ADDENDUM

MOTIONS:

86-70 Hillyview Farms Fertilizers - joint motion to
dismiss (10/14)

NEW CASES:

87-159 Outboard Marine Corp. v. EPA

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 15, 1987 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

85-118 City of Rock Island, Correction Order (RF)

86-50 Chicago Steel (RF) _____
86-167 The Steel Company (JA) _____
* 87-83 Village of N. Aurora (JTM)(due 11/19) _____
R83-23 City of Tuscola (JM) _____
R85-26 WIPCO Site-Specific, Opinion and Order (RF)

R86-31 CIPS SO2, Proposed Rule, First Notice, Opinion and Order
(JM) _____
R86-39 SOCFI VOC, Proposed Rule, Second Notice, Opinion and
Order (JD) _____
R86-40 Air Oxidation SOCFI, Proposed Rule, Second Notice,
Opinion and Order (JD) _____
R87-5 RCRA Update (October 1, 1986 through December 31, 1986),
Adopted Rule, Final Order (JA) _____

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

AC DECISIONS:

- 87-52 Richard Krohn _____
- 87-88 LeRoy Robinson _____
- 87-90 Robert Stevenson _____
- 87-91 City of Polo _____
- 87-92 Randolph County Landfill & Salvage _____
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AC MOTIONS:

- 87-74 Paul & Joan Corley - Agency motion for Stay (10/14) _____
- 87-84 Forrest Bushert - motion to dismiss petition for review (10/2) _____
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MOTIONS:

- 86-3 City of Oglesby - motion to modify February 5, 1987 Board Order (9/30), Agency response to request for modification of February 5, 1987 Board Order (10/9), petition for modification of Board Opinion and Order in part (10/14), Petitioner's supplement to September 30, 1987 filing (10/14)(JA) _____
- 86-165 City of Ottawa - motion for extension of time (9/21), Affidavit (10/8)(JA) _____
- 86-174 IBP - Petitioner's motion to render a decision without hearing (10/9)(JM) _____
- 87-10 Island Lake Water Company - motion for Directed or Summary Finding (9/22)(JM) _____
- 87-75 Waste Management - A.R.F. motion to dismiss Petitioner's appeal for improper notice, lack of property interest and lack of jurisdiction (10/1), motion to strike A.R.F. Landfill motion to dismiss (10/8)(RF) _____
- 87-89 Cargill - motion to correct Agency Record (10/5), Agency response to Petitioner's motion to correct Agency Record (10/6) _____

MOTIONS: (Cont'd)

R86-9 Hazardous Waste Prohibitions - joint motion for scheduling of an additional regulatory hearing for the purpose of the presentation of Oral Argument (10/2), Waste Management's response to joint motion for additional hearing, etc. (10/9), Illinois Environmental Regulatory Group's response to joint motion for additional hearing, etc. (10/14)(JD)

DISCUSSIONS:

85-218 City of Belleville CSO (JD) _____

* 87-41 Ekco Glaco (JD)(due 10/29) _____

* 87-94 Riverside Coatings (JA)(due 12/3) _____

REGULATORY DISCUSSIONS:

R84-16 Mobil Oil Site Specific, Proposed Rule, Second Notice Opinion and Order (JM) _____

R86-37 Definition of VOM (JD) _____

AMENDED PETITIONS:

87-56 Mt. Vernon Assn. (filed 10/1) _____

87-90 American Steel (filed 10/5) _____

87-91 American Steel (filed 10/5) _____

87-98 Lustour Corporation (filed 9/28) _____

87-111 Howard S. Spurgeon (filed 10/13) _____

87-116 Industrial Services (Second Amended Petition filed (10/1) _____

87-127 City of East Moline (filed 10/5) _____

87-128 City of East Moline (filed 10/5) _____

87-140 Village of Hinckley (filed 10/14) _____

NEW CASES:

87-147 Del Monte Corp. v. EPA _____
87-148 Industrial Services, Inc. v. EPA (BF) _____
87-149 USI Chemical Company v. EPA (BF) _____
87-150 Natural Gas Pipeline Company v. EPA _____
87-151 Acme Steel Company v. EPA (BF) _____
87-152 Acme Steel Company v. EPA (BF) _____
87-153 Acme Steel Company v. EPA (BF) _____
87-154 King-Seeley Thermos Company v. EPA _____
87-155 IDOT, Dan Asher (JD) _____
87-156 Allied-Hastings Barrel & Drum Service, Inc. v. EPA (BF) _____
87-157 Frantz Manufacturing Co. v. EPA _____
87-158 City of Yorkville v. EPA _____
R87-35 City of East Moline Site-Specific _____

AC APPEALS:

** 87-93 Russell Noel _____

MINUTES:

October 1, 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)
 * 85-203 City of Farmington (JD)(open waiver)
 * 85-209 Village of Carol Stream (RF)(due 4/21)
 85-213 Village of Western Springs (BF)
 85-224 Aurora S. D. CSO (BF)
 86-4 City of Morris, CSO (JD)
 86-25 Bates Graphic Industries (JD)
 86-26 Forest Electric Company (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 2/4)
 * 87-39 Village of Roselle (JA)(due 1/7)
 * 87-50 Pike County Sand & Gravel (JA)(due 11/19)
 * 87-69 Village of Romeoville (JTM)(due 11/19)
 87-71 City of Dixon CSO (JM)
 * 87-75 Waste Management (RF)(due 12/17)
 * 87-76 Gertrude Guerrettaz (BF)(due 1/21)
 * 87-92 City of Rockford (JA)(due 11/19)
 * 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)
 * 87-137 City of Delavan (JD)(due 1/7)