

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING MARCH 5, 1987 CHICAGO, ILLINOIS

#### A.M. SESSION

All Board Members were present. Chairman Dumelle introduced Board Member Edward A. Nedza who had recently been appointed to the Board. Mr. Nedza abstained from voting at the meeting.

An Order dismissing the proceedings as moot and directing the Chairman to return the permit materials to the Illinois Department of Transportation unsigned, was adopted in #86-95, IDOT, Waukegan Port District, by a vote of 6-0. (JTM)

In new cases these actions were taken by a vote of 6-0: ##87-17, John and Jacqueline Schafer v. Citizens Utilities Company, accepted and hearing authorized; 87-18, Ann Thompson v. Citizens Utilities Company, motion to dismiss formal complaint without prejudice to reinstate granted, Order by Mr. Meyer; 87-19, Ruby and Edward Hargrove et al. v. Tammsco, Inc. et al., accepted and hearing authorized.

An Opinion and Order were adopted in #86-179, City of Ottawa, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Opinion and Order were adopted in #87-4, Duo Fast Corporation Trade Secret Claim Determination, by a vote of 5-0. Mr. Meyer voted present. (BF)

A Proposed Rule, First Notice, Opinion and Order were adopted in R82-27, -36, 83-37, Procedural Rules (Site-Specifics), by a vote of 6-0. (JTM)

An Interim Order was adopted in R84-17, Chapter 7 and 9 Update, by a vote of 6-0. (JA)

A Proposed Rule, First Notice, Proposed Opinion and Order were adopted in R86-17 (A&B), Deoxygenating Wastes, Lagoon Exemptions, by a vote of 6-0. Messrs. J. Dumelle and J. Theodore Meyer concurred. (JM)

A Supplemental Order was adopted in R86-28, RCRA Update (April 1, 1986 through June 30, 1986), by a vote of 6-0. (JA)

Orders were adopted in these Administrative Citation cases by a vote of 6-0: ##87-2, James G. Esarey; 87-3, John and Herbert Jennings; 87-4, John Halavonich.

Motion to amend was granted in #AC 86-17, Gordon T. Montgomery,

by a vote of 6-0. (JD)

Motion to amend was granted in #AC 87-5, Everett Allen, by a vote of 5-1. Mr. Meyer dissented. (JD)

Motion to Stay final action was granted until April 15, 1987 in #82-101, Browning-Ferris, by a vote of 6-0. (JD)

Motion for leave to withdraw as attorney of record was granted in #83-132, Dunn Company, by a vote of 6-0. (JD)

Motion to extend time for response was granted until April 14, 1987 in ##84-45, -61, -68, Waste Management, by a vote of 6-0. (JA)

Motions to substitute counsel and to modify Order of January 22, 1987 were granted in #85-131, Concerned Neighbors, by a vote of 6-0. (BF)

By a vote of 6-0, a motion to correct Record was referred to the Hearing Officer for disposition after the Agency has been afforded an opportunity to respond to motion in #86-136, Navem Patel. (BF)

Petitioner's motion to dismiss was granted in #86-15, DuPage Publications, by a vote of 6-0. (JD)

Motion for leave to withdraw exhibits was granted in #86-149, Laidlaw Waste Systems, by a vote of 6-0. (JD)

Respondent's motions for Stay and to dismiss were denied in #86-210, Hillview Farms, by a vote of 6-0. (JD)

Motion for Stay was granted in #87-7, Pearson Industries, by a vote of 6-0. (JA)

Motion to open proceedings and to file instanter was granted and the document "Western Illinois Power Cooperative, Inc. 1985 Annual Report" was admitted into the record as Exhibit #21, in R85-26, Western Illinois Power, by a vote of 6-0. (RF)

Petitioner's motion for an additional day of hearing was granted in R85-29, Disinfection, by a vote of 6-0. (RF)

Motion for extension of time to file a second amended petition was granted in R86-25, Tilton Site-Specific, by a vote of 6-0. (JM)

These cases were discussed and held to March 19, 1987 for possible consideration: ##83-163, Larry Bittle; 85-138, North Shore Sanitary District; 85-222, Sanitary District of Elgin CSO; 86-1, City of Peru CSO; 86-2, City of LaSalle CSO; 86-18, Hillview Farms; 86-147, Central Illinois Public Service; 86-199, North Suburban Public Utility. (Thereafter the meeting was

adjourned until 2:30 p.m.)

**P.M. SESSION**

These regulatory matters were discussed and held to March 19, 1987 for possible consideration: R81-18, Landfill Chief Operator Past Qualifications; R82-27, -36, 83-37, Procedural Rules, Parts 101 and 102; R85-20, New Source Review.

In #86-48, Wells Manufacturing, a separate vote taken on the Opinion only failed to carry by a 3-3 vote with J. Dumelle, R. Flemal and B. Forcade for it and J. Anderson, J. Marlin and J. Theodore Meyer against. A vote was then taken to defer vote on the Order until March 19. The vote was 2-4 with J. Marlin and J. Anderson in favor and all others against. The Order was then approved by a vote of 6-0 with J. Anderson, J. Theodore Meyer and J. Marlin concurring. (JD)

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

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

An Order ordering the Agency to file the record within ten days was adopted in #87-8, Hopkins Agriculture, by a vote of 5-1. Mrs. Anderson dissented. (JD)

In amended petitions these actions were taken by a vote of 6-0: ##87-13, Rock Island, February 5, 1987 Order finding of inadequacy reaffirmed and due to two citizen objections received, a hearing was authorized, Order by Mr. Forcade; 87-15, Honeywell, Inc., held for an Agency Recommendation.

The Board authorized the Chairman to sign these permits filed by the Illinois Department of Transportation by a vote of 6-0: #87-20, Dr. and Mrs. Richard Siebert; 87-21, Norris Love; 87-23, I.B. Padorr. (JD)

In other new cases these actions were taken by a vote of 6-0. ##87-22, City of Carterville v. EPA, held for an Agency Recommendation; 87-24, C.R. Industries v. EPA, provisional variance granted, Order by Mr. Dumelle; 87-25, Graph On Inc. v. EPA, provisional variance granted, Order by Mr. Dumelle; 87-26, Van Leer Containers, Inc. v. EPA, provisional variance granted, Order by Mr. Dumelle; 87-27, Stewart-Warner v. EPA, provisional variance granted, Order by Mr. Dumelle; R87-3, New Source Performance Standards, Resolution and Order by J. Theodore Meyer; R87-4, New Source Performance Standards, Resolution and Order by J. Theodore Meyer.

These new Administrative Citation cases were received: ##87-14, Ben Curtin; 87-15, Leo Prasmus; 87-16, Michael McCloughan; 87-17,


Milo Lambert and Charles E. Fitzpatrick.

Minutes of the February 19, 1987 Board meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to March 19, 1987 for possible consideration.

There being no further business the meeting was adjourned.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Minutes were approved this 19<sup>th</sup> day of March, 1987 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MARCH 5, 1987 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-031  
10:30 A.M.

DECISIONS:

- 84-64 Rodger Diamond (RF) \_\_\_\_\_
- \* 86-48 Wells Manufacturing (RF)(due 3/19) \_\_\_\_\_
- 86-95 IDOT, Waukegan Port District (JTM) \_\_\_\_\_
- \* 86-179 City of Ottawa (JA)(due) \_\_\_\_\_
- \* 86-205 Schrock (BF)(due 3/19) \_\_\_\_\_
- 87-4 Duo-Fast Corporation, Trade Secret Determination (BF)  
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- R82-36 Procedural Rules (Site-Specifics), First Notice, (JTM)  
\_\_\_\_\_
- R84-17 Chapter 7 & 9 Update, Interim Order (JA) \_\_\_\_\_
- R86-17 Deoxygenating Wastes, Lagoon Exemptions, Proposed Rule,  
(A&B) First Notice, Proposed Opinion and Order (JM)  
\_\_\_\_\_
- R86-28 RCRA Update (April 1, 1986 through June 30, 1986), Final  
Order reconsideration (Correction)(JA) \_\_\_\_\_
- R86-44 Pretreatment Regulations, Proposal for Public Comment,  
Proposed Opinion and Order (JM) \_\_\_\_\_
- R86-46 RCRA Update (July 1, 1986 through September 30, 1986),  
Proposal for Public Comment (JA) \_\_\_\_\_

AC DECISIONS:

- 87-2 James G. Esarey \_\_\_\_\_
- 87-3 John and Herbert Jennings \_\_\_\_\_
- 87-4 John Halavonich \_\_\_\_\_

INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

86-17 Gordon T. Montgomery - motion to amend (2/26)

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87-5 Everett Allen - motion to amend (2/26)

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MOTIONS:

82-101 Browning-Ferris - motion to Stay Final Action (2/20)(JD)

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83-132 Dunn Company - motion for leave to withdraw as attorney of record (2/17), response (3/3)

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84-45) Waste Management - motion to extend time for response  
84-61) (2/20)(JA)  
84-68)

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85-131 Concerned Neighbors - motion to substitute counsel (3/2), motion to modify Order of January 22, 1987 (3/2), Complainant's verified response to January 22 Board Order (3/2), motion to set pre-hearing and hearing schedule (3/2)(BF)

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85-136 Navem Patel - motion to correct Record (3/3)(BF)

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86-15 DuPage Publications - Petitioner's motion to dismiss (2/26)

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86-68 Mervis Industries - motion to vacate and request for oral argument (1/21), response (2/2), respondent's motion to certify Order for appeal and to Stay further proceedings pending resolution by the Appellate Court (2/17)

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86-70 Hillview Farms - petition for leave to withdraw as counsel (3/2)

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86-149 Laidlaw Waste Systems - motion for leave to withdraw exhibits Instanter (2/20)

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86-210 Hillview Farms - Respondent's motion to Stay and motion and motion to dismiss (1/16), Agency response to motion for Stay (2/19), petition for leave to withdraw as counsel (3/2)

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87-7 Pearson Industries - motion for Stay (1/14), Agency response (3/3)(JA)

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MOTIONS: (Cont'd)

- 87-8 Hopkins Agriculture - Petitioner's renewed motion for Stay (2/13), Agency request for extension of time for reply to Petitioner's reply memorandum (2/18), Agency response Memorandum (2/19), Petitioner's reply to Agency response Memorandum (3/2), Agency's new facts relating to motion for Stay and response to renewed motion for Stay (3/3)\_\_\_\_\_
- R85-26 Western Illinois Power - motion to open proceedings and to file instanter (2/25), Agency response (3/2)(RF)\_\_\_\_\_
- R85-29 Disinfection - Petitioner's motion for an additional day of hearing (2/17)(RF)\_\_\_\_\_
- R86-25 Tilton Site-Specific - motion for extension of time to file second amended petition (2/20)(JM)\_\_\_\_\_

DISCUSSIONS:

- 83-163 Larry Bittle (RF)\_\_\_\_\_
- \* 85-138 North Shore S.D. (JA)(open waiver)\_\_\_\_\_
- 85-222 Sanitary District of Elgin CSO (JTM)\_\_\_\_\_
- 86-1 City of Peru CSO (JTM)\_\_\_\_\_
- 86-2 City of LaSalle CSO (JTM)\_\_\_\_\_
- \* 86-18 Hillview Farms (JD)(open waiver)\_\_\_\_\_
- \* 86-147 Central Illinois Public Service (JD)(due 3/19)\_\_\_\_\_
- \* 86-199 No. Suburban Public Utility (RF)(due 3/19)\_\_\_\_\_

REGULATORY DISCUSSIONS:

- R81-18 Landfill Chief Operator Past Qualifications, Proposed Rule, First Notice Order (RF)\_\_\_\_\_
- R82-27) Procedural Rules, Parts 101 & 102 (JTM)\_\_\_\_\_
- R82-36)
- R83-37)
- R85-20 New Source Review Rule (JD)\_\_\_\_\_

**AMENDED PETITIONS:**

- 87-13 City of Rock Island (filed 2/27)(Also see 2 objections  
filed on 2/23)\_\_\_\_\_
- 87-15 Honeywell, Inc. (filed 2/23)\_\_\_\_\_
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**NEW CASES:**

- 87-17 John and Jacqueline Schafer v. Citizens Utilities  
Company (11:00 a.m.)\_\_\_\_\_
- 87-18 Ann Thompson v. Citizens Utilities Company (11:00 a.m.)  
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- 87-19 Ruby and Edward Hargrove et al. v. Tammsco, Inc. et al.  
(11:00 a.m.)\_\_\_\_\_
- 87-20 IDOT, Dr. & Mrs. Richard Siebert (JD)\_\_\_\_\_
- 87-21 IDOT, Norris Love (JD)\_\_\_\_\_
- 87-22 City of Carterville v. EPA\_\_\_\_\_
- 87-23 IDOT, I.B. Padorr (JD)\_\_\_\_\_
- R87-3 New Source Performance Standards (JTM)\_\_\_\_\_
- R87-4 New Source Performance Standards (JTM)\_\_\_\_\_
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**NEW AC FILINGS:**

- 87-14 Ben Curtin\_\_\_\_\_
- 87-15 Leo Prasm\_\_\_\_\_
- 87-16 Michael McCloughan\_\_\_\_\_
- 87-17 Milo Lambert and Charles E. Fitzpatrick\_\_\_\_\_
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**MINUTES:**

February 19, 1987\_\_\_\_\_



PENDING CASES ASSIGNED:

81-151 Dean Foods (BF)  
82-101 Browning-Ferris (JD)  
84-93 S.C. Industries (BF)  
84-124 Overnite Trucking (BF)  
85-4 John Eilrich (RF)  
85-19 Monsanto (BF)  
85-131 Concerned Neighbors (BF)  
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 4/30)  
\* 85-190 Sours Grain (JD)(open waiver)  
\* 85-209 Village of Carol Stream (RF)(due 6/25)  
85-216 City of Clinton CSO (JM)  
85-218 City of Belleville CSO (JD)  
85-219 City of Watseka CSO (JD)  
85-224 Aurora S.D. CSO (BF)  
86-4 City of Morris CSO (JD)  
86-6 City of Wood River CSO (JD)  
\* 86-22 American Steel Container (JA)(due 4/30)  
\* 86-23 American Steel Container (JA)(due 4/30)  
86-50 Chicago Steel (JD)  
86-56 Trilla Steel Drum (JD)  
86-79 John Prior (JM)  
\* 86-150 American Hoechst (JM)(open waiver)  
86-154 Illinois Power Company (JD)(due 4/2)  
\* 86-174 IBP, Inc. (JM)(due 4/2)  
\* 86-185 Citizens Utilities (JA)(due 4/30)  
\* 86-199 North Suburban Public Utility (RF)(due 3/19)  
\* 86-207 Village of Lemont (JTM)(due 4/2)  
\* 86-222 Vickory Manor (JM)(due 4/16)  
\* 86-225 City of Geneva (JA)(due 5/28)  
\* 87-5 Village of Montgomery (JM)(due 4/30)  
\* 87-9 Village of Plainfield (JA)(due 5/14)  
\* 87-12 Emergency Technical Services (JM)(due 5/28)  
\* 87-16 City of Lockport (RF)(due 6/11)