

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
FEBRUARY 4, 1988 CHICAGO, ILLINOIS

All Board Members were present. As Dr. Marlin's arrival was delayed, the meeting commenced with Administrative Citation decisions.

Orders were adopted in these Administrative Citations by a vote of 6-0: ##87-122, Hayden Wrecking Corporation; 87-124, Modern Business Disposal; 87-126, Jack Grimm; 87-127, Pekin Metro Landfill; 87-128, E & E Hauling; 87-129, Village of Millstadt.

Agency motion to amend the Administrative Citation in #AC87-109, Macon County Landfill, was granted by a vote of 6-0. (JD)

Agency motion to amend a January 7, 1988 Board Order in #AC87-110, M.I.G. Investments, was granted by a vote of 6-0. (JD)

Agency motion for leave to file an amended Administrative Citation in #AC87-119, McLean County Landfill, was granted by a vote of 6-0. (JD)

Agency motion to amend the Administrative Citation in #AC87-133, Macon County Landfill, was granted by a vote of 6-0. (JD)

Motion for continuance in #84-122, Acme Solvents, was granted by a vote of 6-0. (JD)

Motion for rehearing in #87-41, Ekco Glaco, was denied by a vote of 4-2. Messrs. J. Dumelle and J. Theodore Meyer dissented. (BF)

Agency motion for leave to file Instanter the permit Record in #87-151, Acme Steel, was granted by a vote of 6-0. (JD)

Agency motion for leave to file Instanter the permit Record in #87-152, Acme Steel, was granted by a vote of 6-0. (JD)

Agency motion for leave to file Instanter the permit Record in #87-153, Acme Steel, was granted by a vote of 6-0. (JD)

An agreed motion to extend time for filing of Briefs in #87-183, Container Corporation, was granted until February 19, 1988 by a vote of 6-0. (JD)

An agreed motion to extend time for filing of Briefs in #87-185, Jefferson Smurfit, was granted until February 19, 1988 by a vote of 6-0. (JD)

These cases were discussed and held to February 25, 1988 for

possible consideration: ##87-67, National Can Corporation; 87-98, Lustour Corporation.

This regulatory matter will be discussed at 10:00 a.m. on February 5, 1988 in the Board's Conference room: R84-17(D), Landfill Regulations.

In new cases these actions were taken by a vote of 6-0: ##87-202, Illinois Department of Transportation, City of Highland Park et al., **Chairman authorized to sign the permit document and to prepare an Order**; 87-203, Illinois Department of Transportation, U.S. Army Corps, **Chairman authorized to sign the permit document and to prepare an Order**; 88-5, Illinois Department of Transportation, Seymour Persky, **Chairman authorized to sign the permit document and to prepare an Order**; 88-23, Safety-Kleen Corporation (Chicago Facility) v. EPA, hearing authorized, **Order by J. Anderson**; 88-24, Rick Moore, Eleanor Morris and Leonard Morris v. Wayne County Board and Daubs Landfill, Inc., hearing authorized, **Order by B. Forcade**.

Board Member J. Marlin presented a draft Proposed Rule, Second Notice, Opinion and Order in R86-18, Generic RACT. Motion to amend by J. Dumelle and seconded by R. Flemal lost by a 3-4 vote with J. Dumelle, R. Flemal and M. Nardulli for and J. Anderson, B. Forcade, J. Marlin and J. Theodore Meyer against. A Proposed Rule, Second Notice, Opinion and Order was then adopted by a vote of 4-3. Messrs. J. Dumelle, R. Flemal and M. Nardulli dissented. **(JM)**

By a vote of 7-0, the parties in new case #88-16, Anthony W. Kochanski v. Hinsdale Golf Club, were ordered to file a verified statement of facts by February 16, 1988. **(BF)**

Board Member B. Forcade presented a draft Opinion and Order in #84-64, Rodger Diamond. Motion to amend lost by a 3-4 vote with J. Dumelle, J. Anderson and J. Marlin for and B. Forcade, R. Flemal, J. Theodore Meyer and M. Nardulli against. An Opinion and Order was then adopted by a vote of 4-3. Board Members J. Dumelle, J. Anderson and J. Marlin dissented. **(BF)**

An Order was adopted in #85-136, Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson, dealing with Navem Patel by a vote of 6-1. J. Dumelle dissented and J. Anderson and J. Theodore Meyer concurred. **(BF)**

An Order was adopted in #85-136, Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson, dealing with Eric Otten by a vote of 6-1. J. Anderson dissented and J. Theodore Meyer concurred. **(BF)**

An Order was adopted in #85-136, Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson, dealing with Clarence Mitchell by a vote of 7-0. J. Theodore Meyer concurred. **(BF)**

An Order was adopted in #85-136, Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson, dealing with J.B. Johnson by a vote of 6-1. J. Dumelle dissented and J. Anderson and J. Theodore Meyer concurred. (BF)

An Opinion was adopted in #85-136, Navem Patel, Eric Otten, Clarence Mitchell and J.B. Johnson, by a vote of 5-2. Board Members J. Dumelle and J. Anderson dissented in part and concurred in part and J. Theodore Meyer concurred. (BF)

An Order ordering the parties to provide the Board with a status report on their intentions by February 29, 1988, was adopted in #85-209, Village of Carol Stream, by a vote of 7-0. (RF)

Board Member R. Flemal presented a draft Opinion and Order in #86-27, Modine Manufacturing Company. Motion to amend by J. Anderson and seconded by B. Forcade carried by a 5-2 vote with J. Anderson, B. Forcade, J. Marlin, M. Nardulli and J. Theodore Meyer for and J. Dumelle and R. Flemal against. An Opinion and Order was then adopted by a vote of 5-2. Messrs. J. Dumelle and R. Flemal dissented and J. Theodore Meyer concurred. (JA)

An Opinion and Order was adopted in #86-108, Joliet Sand and Gravel, by a vote of 6-1. J. Theodore Meyer dissented and J. Marlin concurred. (RF)

An Opinion and Order was adopted in #87-111, Howard Spurgeon, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #87-114, Village of Willowbrook, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Opinion and Order was adopted in #87-154, King-Seeley Thermos, by a vote of 7-0. (JD)

An Interim Order was adopted in R84-17 (Docket A, B, C and D), Landfill Regulations, by a vote of 6-0. J. Dumelle abstained. (JA)

A Proposed Rule, Second First Notice, Order was adopted in R85-29, Seasonal Disinfection, by a vote of 7-0. (RF)

A Proposed Rule, Second Notice, Opinion and Order was adopted in R86-10, Pharmaceutical VOC, by a vote of 7-0. (JD)

Motion to amend and modify a December 22, 1987 Opinion and Order in #85-154, Modine Manufacturing, was denied by a vote of 7-0. (RF)

Motion for an expedited decision in #86-174, IBP, will be taken with the case in chief.

An Order allowing Petitioner's two projects, Geneva Knolls and

Hamilton Manor, to be added to the thirteen developments listed in Petitioner's present variance was adopted in #86-225, City of Geneva, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

Motion to reconsider leave to submit evidence deposition or to continue merit hearing in R86-41, Village of Winnetka, was ordered held to February 11, 1988 for possible consideration.

In other new cases these actions were taken by a vote of 7-0: #88-25, Modine Manufacturing Company, Inc. v. EPA, additional information requested, **Order by J. Dumelle**; 88-26, Illinois Department of Transportation, Chicago Park District, **docket opened to allow the Board additional time to review the project**; 88-27, Laidlaw Waste Systems, Inc. v. McHenry County Board, hearing authorized, **Order by J. Dumelle**; 88-28, EPA v. Amoco Chemicals, hearing mandatory; 88-29, Monsanto Company (Krummrich Facility) v. EPA, accepted and hearing authorized; 88-30, Village of Ladd v. EPA, held for an Agency Recommendation; 88-31, City of Herrin v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-32, SCA Chemicals Service, Inc. v. EPA, hearing authorized, **Order by J. Dumelle**.

This Administrative Citation will be set for hearing: #87-133, Macon County Landfill.

Minutes of the January 21, 1988 Board meeting were approved by a vote of 7-0.

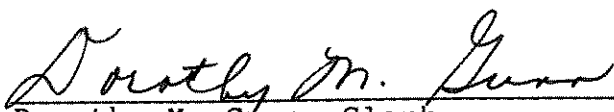
An Order requesting the parties to provide the Board with a brief up-to-date status report by June 30, 1988, was adopted in #81-151, Dean Foods, by a vote of 7-0. (BF)

All matters not disposed of as listed were ordered held to February 25, 1988 for possible consideration.

A special Board meeting will be held on February 11, 1988. (Thereafter the meeting was recessed until 10:00 a.m. February 5, 1988)

On February 5, 1988 the Board met and discussed R84-17(D). They adjourned at 11:30 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 25th day of February, 1988 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
FEBRUARY 4, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 83-49 Alton Packaging (RF)(open waiver)_____
- 84-64 Rodger Diamond (BF)_____
- 85-136 Navem Patel (BF)_____
- 85-209 Village of Carol Stream, Order (RF)_____
- 86-27 Modine Manufacturing (RF)_____
- 86-108 Joliet Sand & Gravel (RF)_____
- * 87-111 Howard Spurgeon (JM)(due)_____
- * 87-114 Village of Willowbrook (JA)(due)_____
- * 87-154 King-Seeley Thermos (JD)(due)_____
- R84-17 Landfill Regulations, Interim Order (JA)_____
(D)
- R85-29 Seasonal Disinfection, Proposed Rule, Second First
Notice, Order (RF)_____
- R86-10 Pharmaceutical VOC, Proposed Rule, Second Notice,
Opinion and Order (JD)_____
- R86-18 Generic RACT, Proposed Rule, Second Notice, Opinion and
Order (JM)_____

* INDICATES VARIANCE OR PERMIT APPEAL

** INDICATES ADMINISTRATIVE CITATION APPEAL

AC DECISIONS:

- 87-122 Hayden Wrecking Corporation_____
- 87-124 Modern Business Disposal_____
- 87-126 Jack Grimm_____
- 87-127 Pekin Metro Landfill_____
- 87-128 E & E Hauling_____
- 87-129 Village of Millstadt_____

AC MOTIONS:

- 87-109 Macon County Landfill - Agency motion to amend
Administrative Citation (1/27)_____
- 87-110 M.I.G. Investments - Agency motion to amend January 7,
1988 Board Order (1/26), Respondent's Statement of
Concurrence (1/28)_____
- 87-119 McLean County Landfill - Agency motion for leave to file
Amended Administrative Citation (2/2)_____
- 87-133 Macon County Landfill - Agency motion to amend
Administrative Citation (2/2)_____

MOTIONS:

- 84-122 Acme Solvents - motion for continuance (11/30)(Note:
Hearing Officer has requested that the Board rule on
this motion; see H.O. letter dated November 24, 1987))

- 85-154 Modine Manufacturing - motion to amend and modify
December 22, 1987 Opinion and Order (RF)

- 86-174 IBP - motion for expedited decision (2/1)(JM)

- 86-207 Village of Lemont - motion to modify March 19, 1987
Board Order (1/22), Agency response to motion to modify
(1/28)(JTM)_____
- 86-224 General Tire - motion for reconsideration (1/21)(BF)

MOTIONS: (Cont'd)

- 86-225 City of Geneva - Petitioner's motion for modification (1/8), Agency response to Petitioner's motion for modification (1/21), Petitioner's reply to Agency's response to Petitioner's motion for modification (1/28)(JA) _____
- 87-19 Tammsco - motion for default (1/20)(JD) _____
- 87-41 Ekco Glaco - motion for rehearing (1/21), Agency's response (2/2)(BF) _____
- 87-75 Waste Management - motion to reconsider (1/21)(RF) _____
- 87-151 Acme Steel - Agency motion to file Record Instanter (1/22) _____
- 87-152 Acme Steel - Agency motion to file Record Instanter (1/22) _____
- 87-153 Acme Steel - Agency motion to file Record Instanter (1/22) _____
- 87-183 Container Corporation - agreed motion to extend time for filing of Briefs (1/27) _____
- 87-185 Jefferson Smurfit - agreed motion to extend time for filing of Briefs (1/27) _____
- 87-209 Reed-Custer - motion to strike and dismiss petition to revoke certification of Pollution Control Facility and Memorandum in support (1/26), Reply Memorandum in opposition to the petition to revoke certification of Pollution Control Facility (2/1), Petitioner's reply Brief as ordered by January 7, 1988 Board Order (2/1) _____
- 88-10 Pines Trailer Corporation - Objection (2/1), Objection (2/1) _____
- 88-14 Minnesota Mining - Agency motion to dismiss (2/3) _____
- R82-14 Allied Tube & Conduit - motion for modification of December 22, 1987 Opinion and Order (1/26)(BF) _____
- R86-41 Village of Winnetka - motion to reconsider leave to submit evidence deposition or to continue merit hearing (2/1)(JTM) _____

DISCUSSIONS:

- 86-193 City of Freeport (JM)_____
- * 87-67 National Can Corporation (JD)(due 2/25)_____
- 87-98 Lustour Corporation (RF)(due 2/25)_____
-

REGULATORY DISCUSSIONS:

- R84-17 Landfill Regulations, Proposed Rules, First Notice (JA)
(D) _____
-

NEW CASES:

- 87-202 IDOT, City of Highland Park et al. (JD)_____
- 87-203 IDOT, U.S. Army Corps (JD)_____
- 88-5 IDOT, Seymour Persky (JD)_____
- 88-16 Anthony W. Kochanski v. Hinsdale Golf Club (11:00
a.m.)(See also motion to dismiss filed 2/1),
Complainant's response to January 21, 1988 Board Order
(2/2)_____
- 88-23 Safety-Kleen Corporation (Chicago Facility) v. EPA

- 88-24 Rick Moore, Eleanor Morris and Leonard Morris v. Wayne
County Board and Daubs Landfill, Inc. (BF)

- 88-25 Modine Manufacturing Company, Inc. v. EPA

- 88-26 IDOT, Chicago Park District_____
- 88-27 Laidlaw Waste Systems, Inc. v. the McHenry County Board

- 88-28 EPA v. Amoco Chemicals Company_____
- 88-29 Monsanto Company (Krummrich Facility) v. EPA

- 88-30 Village of Ladd v. EPA_____
- 88-31 City of Herrin v. EPA (Provisional Variance)(JD)

NEW CASES: (Cont'd)

88-32 SCA Chemicals Services, Inc. v. EPA _____

AC APPEALS:

87-133 Macon County Landfill _____

MINUTES:

January 21, 1988 _____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
 * 83-55 Alton Packaging (RF)(open waiver)
 84-83 Russell Perkinson (JM)
 84-93 S.C. Industries (BF)
 84-124 Overnite Trucking (BF)
 * 84-136 Browning-Ferris (BF)(due 3/24)
 85-18 Concentrate Corporation (JD)
 85-19 Monsanto (BF)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (Remand)(JD)(open waiver)
 * 85-140 Citizens Utilities (JTM)(open waiver)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 * 85-179 Camsco Produce Company (JTM)(due 2/25)
 * 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)
 * 86-150 American Hoechst (JM)(open waiver)
 86-161 Elizabeth Street Foundry (JD)
 * 86-174 IBP, Inc. (JM)(open waiver)
 * 86-185 Citizens Utilities (JA)(due 3/24)
 * 86-187 The New Jersey Zinc (JD)(open waiver)
 * 86-218 City of East Moline (JD)(open waiver)
 * 87-7 Pearson Industries (BF)(open waiver)
 87-10 Island Lake Water Company (JM)
 * 87-15 Honeywell, Inc. (BF)(due 4/7)
 87-19 Tammsco, Inc. (JD)
 ** 87-47 Chicago Heights Refuse (MN)
 * 87-50 Pike County Sand & Gravel (JA)(due 4/7)
 * 87-69 Village of Romeoville (JTM)(due 2/25)
 87-71 City of Dixon CSO (RF)
 * 87-107 Lake County Public Works (JTM)(due 4/7)
 * 87-116 Industrial Services (JA)(due 4/7)
 * 87-127 City of East Moline (BF)(due 8/1)
 87-139 Browning-Ferris Industries (JD)
 * 87-157 Frantz Manufacturing (JTM)(due 3/24)
 * 87-173 John Ash (RF)(due 4/7)
 * 87-187 Cellu-Craft Midwest (RF)(due 3/24)
 * 87-188 Cellu-Craft Midwest (RF)(due 3/24)
 * 87-189 Printpack, Inc. (MN)(due 3/24)
 * 87-190 Guardian Packaging (MN)(due 3/24)
 * 87-198 County of Lake (RF)(due 4/21)
 * 87-207 Bloomington & Normal S.D. (JM)(due 6/2)
 * 88-4 Village of Elburn (JTM)(due 4/21)
 * 88-11 City of Geneva (MN)(due 5/5)
 * 88-18 Village of Sauget (JM)(due 5/5)