

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
MARCH 24, 1988 CHICAGO, ILLINOIS**

All Board Members were present save for J. Theodore Meyer who was on vacation.

An Interim Opinion and Order was adopted in #86-161, Elizabeth Street Foundry, by a vote of 6-0. (JD)

An Opinion and Order was adopted in #86-185, Citizens Utilities, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (JA)

An Opinion and Order was adopted in #87-189, Printpack, Inc., by a vote of 6-0. (MN)

An Opinion and Order was adopted in #87-190, Guardian Packaging, by a vote of 6-0. (MN)

An Opinion and Order was adopted in #88-30, Village of Ladd, by a vote of 4-2. Messrs. J. Dumelle and B. Forcade dissented. (RF)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R87-22, CIPS, by a vote of 6-0. (JM)

A Proposed Rule, Second Notice, Opinion and Order was adopted in R87-27, Chicago Canal System, by a vote of 6-0. (RF)

A Proposed Rule, First Notice, Order was adopted in R88-3, Jefferson Smurfit, by a vote of 6-0. (MN)

A Proposed Rule, First Notice, Order was adopted in R88-4, Container Corporation, by a vote of 6-0. (MN)

A Proposed Rule, First Notice, Opinion and Order was adopted in R88-6, City of Mendota, by a vote of 6-0. (MN)

Board Member J. Anderson presented a draft Proposed Rule, Proposal for Public Comment, Opinion and Order in R88-10, Well Set Back Acceptance Procedures. Motion to amend by B. Forcade was accepted and the Proposed Rule was adopted by a vote of 6-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##88-6, Winnebago Reclamation Service; 88-8, Everett Allen; 88-9, Steve Zimmerman; 88-10, Donald Jones; 88-11, Roy Frietsch; 88-12, Jackson County Landfill; 88-13, Ralph Johnson.

Agency motion to amend the Administrative Citation in #88-17, ESG Watts, was granted by a vote of 6-0. (JD)

An Order granting Respondent Navem Patel ten days or until April 4, 1988 to properly file his desired motions which shall include supporting affidavits and a specific prayer for any desired action by the Board and the appropriate proofs of service, and directing the Clerk of the Board to forward copies of the Order to the current and former addresses for the Respondent's attorney, was adopted in #85-136, Navem Patel et al., by a vote of 6-0. (BF)

Agency motion to file Instanter its Recommendation in #85-203, City of Farmington, was granted by a vote of 6-0. (JD)

An Order directing the Clerk of the Board to release a copy of the County record to the County, and to place a copy of the Order in the Board's files in lieu of any documents for which there are no existing copies, was adopted in #87-92, City of Rockford, by a vote of 6-0. (JA)

An Order requesting the Petitioner to inform the Board by April 12, 1988 whether he still wishes the Board to modify the terms of the February 4, 1988 variance, was adopted in #87-111, Howard Spurgeon, by a vote of 6-0. (JM)

An Order directing the Hearing Officer to proceed with hearing in a manner consistent with this Order and noting that the standard of review issue will be addressed in the final Opinion and Order was adopted in #87-149, -199, 88-9, USI Chemicals Company, by a vote of 6-0. (JD)

Petitioner's motion to dismiss in #87-170, Trilla Steel Drum, was granted by a vote of 6-0. (BF)

Motion for extension of time in #87-191, Moss-American, was granted until March 30, 1988 by a vote of 6-0. (JD)

An Interim Order construing the March 14, 1988 Agency filing entitled "Agency Statement" as the Agency's recommendation as to the disposition of the petition in #87-206, C.S. Norcross, was adopted by a vote of 6-0. (JD)

An Order was adopted in #88-24, Daubs Landfill, by a vote of 6-0. (BF)

An Order granting leave to the People of McHenry County to file amicus curiae briefs in #88-27, Laidlaw Waste Systems, was adopted by a vote of 6-0. (JM)

An Order granting Waste Management's motion to dismiss the McHenry County Defenders' petition for hearing and review of the decision of the McHenry County Board and granting the McHenry County Defenders leave to file an amicus curiae brief subject to conditions was adopted in #88-39, Waste Management, by a vote of 6-0. Messrs. J. Dumelle and B. Forcade concurred. (JA)

These cases were discussed and held to April 7, 1988 for possible consideration: ##85-224, Aurora Sanitary District CSO; 86-4, City of Morris CSO; 87-107, Lake County Public Works.

These regulatory matters were discussed and held to April 7, 1988 for possible consideration: R82-1(B), Opacity; R82-7, Alton Site-Specific; R85-14, Public Water Supplies; R86-30, Shell Oil.

In amended petitions these actions were taken by a vote of 6-0: ##87-69, Village of Romeoville, held for an Agency Recommendation; 88-25, Modine Manufacturing, hearing authorized; 88-37, Village of Lake Villa, held for an Agency Recommendation.

In new cases these actions were taken by a vote of 6-0: ##87-197, Illinois Department of Transportation, Chicago Park District, **Chairman authorized to sign the permit document and to prepare an Order**; 88-50, Cabot Corporation v. EPA, Agency directed to file with the Board, as soon as possible, any notice list it may have developed during the process of issuing the permit and hearing authorized, **Order by B. Forcade**; 88-51, Illinois Department of Transportation, Northwestern University, **Chairman authorized to sign the permit document and to prepare an Order**; 88-52, City of Ottawa CSO, petition accepted and hearing authorized; 88-53, Commonwealth Edison Company (Byron Generating Station) v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-55, Flexonics, Inc. v. EPA, provisional variance granted, **Order by J. Dumelle**; R88-10, Well Setback Acceptance Procedures (See Decisions).

In new case #88-49, City of Troy et al. v. County Board of the County of Madison, the parties were directed to brief, by April 22, 1988, the issue of the authority of the Board to hear this matter in the absence of some indication of a final decision of the County and a subsequent appeal by an appropriate party and the Clerk of the Board was directed to serve a copy of the Order together with the Petition on the Madison County Board and GSX Corporation. The vote was 5-1. J. Marlin dissented. (BF)

This Administrative Citation will be set for hearing: #88-14, Beecher Development Company.

These Administrative Citations were received by the Board: ##88-20, Jack Grimm; 88-21, Steve Zimmerman; 88-22, Glen Obryan; 88-23, J & R Landfill, Inc.; 88-24, Bi-State Disposal, Inc.; 88-25, James L. Watts.

Minutes of the March 10, 1988 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to April 7, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 7th day of April, 1988 by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 24, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 86-161 Elizabeth Street Foundry (JD) _____
- * 86-185 Citizens Utilities (JA)(due) _____
- * 87-189 Printpack, Inc. (MN)(due) _____
- * 87-190 Guardian Packaging (MN)(due) _____
- * 88-30 Village of Ladd (RF)(due 6/2) _____
- R87-22 CIPS, Proposed Rule, First Notice, Proposed Opinion and
Order (JM) _____
- R87-27 Chicago Canal System, Proposed Rule, Second Notice,
Opinion and Order (RF) _____
- R88-3 Jefferson Smurfit Site-Specific, Proposed Rule, First
Notice, Order (MN) _____
- R88-4 Container Corporation Site-Specific, Proposed Rule,
First Notice (MN) _____
- R88-6 City of Mendota Site-Specific, Proposed Rule, First
Notice (MN) _____
- R88-10 Well Setback Acceptance Procedures (JA)(See New Cases)

AC DECISIONS:

- 88-6 Winnebago Reclamation Service _____

INDICATES VARIANCE OR PERMIT APPEAL

** INDICATES ADMINISTRATIVE CITATION APPEAL

AC DECISIONS: (Cont'd)

88-8 Everett Allen _____
88-9 Steve Zimmerman _____
88-10 Donald Jones _____
88-11 Roy Frietsch _____
88-12 Jackson County Landfill _____
88-13 Ralph Johnson _____

AC MOTIONS:

88-17 ESG Watts - Agency motion to amend Administrative
 Citation (3/17) _____

MOTIONS:

85-136 Navem Patel - Board Order (BF) _____
85-203 City of Farmington - Agency motion to file Instanter the
 Agency Recommendation in response to Petitioner's
 amended petition (3/21)(JD) _____
86-187 New Jersey Zinc - motion to revise compliance schedule
 (3/21)(JD) _____
87-92 City of Rockford - letter/motion for release of Record
 (3/14)(JA) _____
87-111 Howard Spurgeon - motion to modify February 4, 1988
 Board Order (2/29), Agency response (3/14)(JM)

87-149) USI Chemicals - Board Order (JD) _____
87-199)
88-9)
87-170 Trilla Steel Drum - Petitioner's motion to dismiss
 (3/11)(BF) _____
87-191 Moss America - motion to vacate Stay (3/17), motion for
 extension of time (3/21) _____
87-206 C.S. Norcross - Interim Order of the Board (JD)

MOTIONS: (Cont'd)

- 88-24 Daubs Landfill - response to February 25, 1988 Board Order by Daubs Landfill (3/9), response to March 10, 1988 Board Order by Daubs Landfill (3/21)(BF)
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- 88-27 Laidlaw Waste Systems - petition to file an Amicus Curiae Brief (3/23)(JM)
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- 88-36 Mervis Industries - motion to dismiss or in the alternative to dismiss Count I or Stay Proceedings on Count I of Complaint (3/9), Agency response to motion to dismiss (3/22)
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- 88-39 Waste Management - McHenry County Defenders' petition for hearing and review of decision of the McHenry County Board (3/11), Waste Management's motion to dismiss McHenry County Defender's petition for hearing and review of decision of the McHenry County Board (3/14), McHenry County Defenders' response to motion to dismiss (3/21)(JA)
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DISCUSSIONS:

- 85-224 Aurora Sanitary District CSO (RF)
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- 86-4 City of Morris CSO (JD)
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- * 87-107 Lake County Public Works (JTM)(due 4/7)
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REGULATORY DISCUSSIONS:

- R82-1 Opacity, Proposed Rule, Second Notice, Opinion and Order (B)
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- R82-7 Alton Site-Specific, Proposed Rule, Second Notice (JM)
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- R85-14 Public Water Supplies (JA)
-
- R86-30 Shell Oil, Proposed Rule, First Notice, Proposed Opinion and Order (JTM)
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AMENDED PETITIONS:

- 87-69 Village of Romeoville (filed 3/14)(currently awaiting Agency Recommendation)(JTM)
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AMENDED PEITIONS: (Cont'd)

- 88-25 Modine Manufacturing (filed 3/17)(See letters of objection dated 2/17 and 3/11)_____
- 88-37 Village of Lake Villa (filed 3/15)_____
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NEW CASES:

- 87-197 IDOT, Chicago Park District (JD)_____
- 88-49 City of Troy et al. v. County Board of the County of Madison_____
- 88-50 Cabot Corporation v. EPA (BF)_____
- 88-51 IDOT, Northwestern University (JD)_____
- 88-52 City of Ottawa CSO_____
- 88-53 Commonwealth Edison Company (Byron Generating Station) v. EPA (Provisional Variance)(JD)_____
- 88-54 Village of Riverside v. Edwin and Mary Susan Kozoyed (11:00 a.m. April 7, 1988)_____
- R88-10 Well Setback Acceptance Procedures, Proposed Rule, Public Comment, Opinion and Order (JA)_____
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AC APPEALS:

- 88-14 Beecher Development Company_____
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NEW AC CASES:

- 88-20 Jack Grimm_____
- 88-21 Steve Zimmerman_____
- 88-22 Glen Obryan_____
- 88-23 J & R Landfill, Inc._____
- 88-24 Bi-State Disposal, Inc._____
- 88-25 James L. Watts_____
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MINUTES:

March 10, 1988

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
 * 83-55 Alton Packaging (RF)(open waiver)
 84-83 Russell Perkinson (MN)
 84-93 S.C. Industries (BF)
 84-124 Overnite Trucking (BF)
 * 84-136 Browning-Ferris (BF)(due 5/5)
 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)
 * 85-190 Sours Grain (JD)(open waiver)
 * 85-203 City of Farmington (JD)(open waiver)
 * 85-209 Village of Carol Stream (RF)(due 12/31)
 85-213 Village of Western Springs CSO (BF)
 86-147 CIPS (Remand)(JD)(open waiver)
 * 86-150 American Hoechst (JD)(open waiver)
 * 86-187 The New Jersey Zinc (JD)(open waiver)
 86-197 Daubs Landfill (Remand)(BF)
 * 86-218 City of East Moline (JD)(open waiver)
 * 87-7 Pearson Industries (MN)(open waiver)
 87-10 Island Lake Water Company (MN)
 87-19 Tammsco, Inc. (JD)
 ** 87-47 Chicago Heights Refuse (MN)
 * 87-50 Pike County Sand & Gravel (JTM)(due 5/19)
 * 87-69 Village of Romeoville (JTM)(due 4/7)
 87-71 City of Dixon CSO (RF)
 * 87-127 City of East Moline (BF)(due 8/1)
 87-139 Browning-Ferris Industries (JD)
 * 87-161 Department of the Army (RF)(due 8/31)
 * 87-173 John Ash (RF)(due 5/19)
 * 87-198 County of Lake (RF)(due 5/5)
 * 87-206 C.S. Norcross (JD)(due 5/5)
 * 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 6/16)
 * 88-24 Daubs Landfill (BF)(due 5/19)
 * 88-27 Laidlaw Waste Systems (JM)(due 5/19)
 * 88-39 Waste Management (JA)(due 6/16)
 * 88-42 Village of Channahon (JA)(due 6/30)
 * 88-43 Alexander County Board (MN)(due 6/30)