

ILLINOIS POLLUTION CONTROL BOARD

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

All Board Members were present.

An Opinion and Order was adopted in #87-7, Pearson Industries, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-39, Waste Management, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #88-47, Reilly Tar and Chemical, by a vote of 7-0. (JA)

An Opinion and Order was adopted in #88-52, City of Ottawa CSO, by a vote of 7-0. J. Theodore Meyer concurred. (RF)

A Proposed Rule, Second Notice, Proposed Opinion and Order was adopted in R86-30, Shell Oil, by a vote of 7-0. (JTM)

A Proposed Rule, Second Notice, Order was adopted in R86-31, CIPS, by a vote of 7-0. J. Dumelle concurred. (JM)

An Opinion and Order was adopted in R86-41, Winnetka Particulate, by a vote of 7-0. (JTM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R87-22, CIPS Site-Specific, by a vote of 7-0. (JM)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-48, City of Dixon; 88-57, Steve Zimmerman; 88-58, Steve Zimmerman; 88-59, City of Rochelle; 88-60, Bergbower Landfill; 88-61, Lee Roy McCray; 88-63, Fulton County; 88-64, Whiteside County; 88-65, City of Herrin; 88-66, Nobel Risley; 88-67, City of Salem.

Agency motion to dismiss was granted in #AC87-68, Arthur Daniels, by a vote of 7-0. (JD)

An Order granting Respondent's motion to vacate a May 19, 1988 Board Order and dismissing the proceedings in #AC88-31, Waste Management, was adopted by a vote of 7-0. (JA)

Motion to dismiss for improper service was denied and a hearing was authorized in #AC88-54, Waste Management, by a vote of 7-0. (JA)

Agency motion to amend the Administrative Citation in #AC88-68, Randolph County Landfill, was granted by a vote of 7-0. (JD)

Agency motion to dismiss in #AC88-72, XL Corporation, was granted

by a vote of 7-0. (JD)

Motion for reconsideration was denied in ##86-58, -63, Village of Sauget, by a vote of 7-0. (RF)

Petitioner's motion for leave to file Instanter its response to a May 19, 1988 Board Order was denied and the proceedings were dismissed in #86-150, American Hoechst, by a vote of 7-0. (JD)

Petitioner's second motion for rehearing and modification of a May 19, 1988 Supplemental Order was denied in #86-185, Citizens Utilities, by a vote of 7-0. (JA)

An Order was adopted pursuant to an appeal of the Hearing Officer's ruling concerning discovery matters in #87-131, Amerock, by a vote of 7-0. (JM)

An Order denying Petitioner's motion for modification of a June 16, 1988 variance in #87-181, Simkins Industries, and docketing the request with a new docket number (see PCB 88-121), was adopted by a vote of 7-0. (BF)

Petitioner's second motion for an extension of time within which to file its briefs in #88-17, Marley-Ingrid, was granted by a vote of 7-0. (BF)

Motion for expedited decision and Agency motion for leave to file Instanter in #88-67, City of Highland, will be taken with the case in chief.

Agency motion for leave to file Instanter its Recommendation in #88-69, Scott Air Force Base, will be taken with the case in chief.

Agency motion for leave to file Instanter its Recommendation in #88-90, Borden Chemical, was granted by a vote of 7-0. (JD)

An Order accepting the appeal and authorizing a hearing was adopted in #88-96, Village of Western Springs, by a vote of 6-0. J. Anderson abstained. (JD)

Motion to consider the record filed in #87-92 as the record in #88-107, Winnebago County, was granted by a vote of 7-0. (BF)

Motion for substitution of petitioning party was granted in R86-14, Borden Chemical, by a vote of 7-0. (JTM)

Request to withdraw was granted in R86-32, Illinois Drum Manufacturers, by a vote of 7-0. (JTM)

By a vote of 7-0, an Agency request for an extension of time and motion for reconsideration in R87-39, RCRA Update, were denied as moot and the motion docketed as public comment in R88-16. (JA)

These cases were discussed and held to August 18, 1988 for further decision or possible decision: #86-193, City of Freeport; 86-218, City of East Moline; 87-136, Roadmaster Corporation; 88-18, Village of Sauget; 88-69, Scott Air Force Base.

This regulatory matter was discussed and held to August 18, 1988 for further discussion or possible decision: R88-1, Omnibus Rulemaking.

In amended petition #83-55, Alton Packaging, an Order denying an Agency motion to overrule Hearing Officer's Orders and to appoint a new Hearing Officer, was adopted by a vote of 6-1. J. Marlin dissented. (RF)

By a vote of 7-0 amended petition #88-84, The Nutrasweet Company, was held for an Agency Recommendation.

An Order granting Petitioner's request for an expedited decision and request for variance in ##88-81, -88, Turnberry Utilities, was adopted by a vote of 5-2. J. Dumelle and J. Theodore Meyer dissented. An Opinion will follow. (MN)

No action was taken by the Board on amended petition #87-93, Commonwealth Edison.

In new cases these actions were taken by a vote of 7-0:
##88-110, Wabash and Lawrence Counties Taxpayers and Water Drinkers Association v. The County of Wabash and K/C Reclamation, Inc., hearing authorized, **Order by B. Forcade**; 88-111, Illinois Power Company (Havana Boilers 1-8) v. EPA, hearing authorized and Petitioner ordered to file, within 30 days, a copy of the permit with the contested condition as well as a statement of the manner in which the condition is arbitrary, capricious and unreasonably burdensome, **Order by B. Forcade**; 88-112, Jefferson Smurfit Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-113, City of Springfield v. EPA, held to August 18, 1988 Board Meeting for further consideration; 88-114, Anchor Glass Container Corporation v. EPA, hearing authorized and Petitioner encouraged to review 35 Ill. Adm. Code 120 and determine if it wishes to file an amended application for non-disclosure, **Order by B. Forcade**; 88-115, LaClede Steel Company (Alton Facility) v. EPA, hearing authorized, **Order by B. Forcade**; 88-116, Sexton Filling and Grading Contractors Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-117, B.F. Goodrich Company v. EPA, additional information requested, **Order by J. Dumelle**; 88-118, Illinois Power Company (Clinton Power Station) v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle**; 88-119, Allied-Signal Aerospace Company v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-120, Akzochemical, Inc. v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-121, Simkins Industries, Inc. v. EPA, additional information requested, **Order by B. Forcade**; R88-19, Roadmaster Site-Specific, accepted for publication and hearing; R88-20, 200-signature

requirement waived and accepted for publication and hearing.

These Adjusted Standards were received by the Board: ##88-1, Viskase Corporation; 88-2, Stepan Company; 88-3, Allsteel, Inc..

These Administrative Citations will be set for hearing: ##88-62, City of Chicago; 88-76, E & E Hauling; 88-77, E & E Hauling.

These Administrative Citations were received by the Board: ##88-70, City of Freeport; 88-71, Central Illinois Disposal; 88-73, John Sexton Contractors; 88-74, Hayden Wrecking Corporation; 88-75, Steve Zimmerman and Waste Limited; 88-78, Gordon Montgomery and Kenneth Einsweiler; 88-79, City of Galva.


Minutes of the July 13, 1988 Board Meeting were approved by a vote of 7-0.

Board Member J. Theodore Meyer presented a draft Order in #86-197, Wayne County Board, the vote was a 3-3 with B. Forcade abstaining. Motion to substitute by J. Dumelle and seconded by J. Theodore Meyer carried by a vote of 6-0. B. Forcade abstained. An Order was then adopted pursuant to a motion to substitute counsel Instanter and motion to vacate a June 2, 1988 Board Order, by a vote of 6-0. B. Forcade abstained. (JD)

Agency motion to exclude exhibits was denied in R87-6, Phosphorus Effluent Standards, by a vote of 6-1. J. Dumelle dissented. (JA)

All other matters not disposed of as listed were ordered held to August 18, 1988 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 18th day of August, 1988 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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

DECISIONS:

- * 87-7 Pearson Industries (MN)(open waiver) _____
87-139 Browning-Ferris, Interim Opinion and Order (JD)

* 88-39 Waste Management (JA)(due) _____
* 88-47 Reilly Tar & Chemical (JA)(due) _____
88-52 City of Ottawa CSD (RF) _____
R86-30 Shell Oil, Proposed Rule, Second Notice, Proposed
Opinion and Order (JTM) _____
R86-31 CIPS, Proposed Rule, Second Notice, Order (JM) _____
R86-41 Winnetka Particulate, Opinion and Order (JTM)

R87-22 CIPS Site-Specific, Adopted Rule, Final Order, Opinion
and Order (JM) _____

AC DECISIONS:

- 88-48 City of Dixon _____
88-57 Steve Zimmerman _____

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

AC DECISIONS: (Cont'd)

88-58 Steve Zimmerman _____
88-59 City of Rochelle _____
88-60 Bergbower Landfill _____
88-61 Lee Roy McCray _____
88-63 Fulton County _____
88-64 Whiteside County _____
88-65 City of Herrin _____
88-66 Nobel Risley _____
88-67 City of Salem _____

AC MOTIONS:

87-68 Arthur Daniels - Agency motion to dismiss (7/25) _____
88-31 Waste Management - motion to vacate Board Order for
improper service and lack of jurisdiction (6/17),
response (7/13)(JA) _____
88-54 Waste Management - motion to dismiss for improper
service and lack of jurisdiction and provisional
petition for review (6/16), response (7/13)(JA) _____
88-68 Randolph County Landfill - Agency motion to amend
Administrative Citation (7/11) _____
88-72 XL Corporation - Agency motion to dismiss (7/22) _____

MOTIONS:

85-38 Heckett - motion to consolidate (7/29) _____
86-8 _____
86-58) Village of Sauget - motion for reconsideration (7/7),
86-63) Agency objection to motion for reconsideration (7/18) _____

MOTIONS: (Cont'd)

- 86-150 American Hoechst - motion for leave to file Instanter (7/21)(JD) _____
- 86-161 Elizabeth Street Foundry - motion for extension of time (8/2)(JD) _____
- 86-185 Citizens Utilities - motion for rehearing and modification of May 19, 1988 Supplemental order (6/22), Agency motion to file Instanter and response to motion for rehearing and modification of Board Order (7/20), Petitioner's request to defer ruling on motion and reply to Agency response (7/29)(JA) _____
- 86-197 Daubs Landfill - motion to vacate June 2, 1988 Board Order (7/7), motion to substitute Counsel Instanter (7/7), Objection to motion to vacate June 2, 1988 Board Order (7/20)(JTM) _____
- 87-50 Pike County Sand & Gravel - motion to dismiss (7/25)(JTM) _____
- 87-131 Amerock - appeal of Hearing Officer's ruling on motion to clarify issues (7/14), Agency response (7/21)(JM) _____
- 87-181 Simkins Industries - motion for modification and request for supplemental hearing (7/21), Agency response (7/29)(BF) _____
- 87-183 Container Corporation - motion to reconsider or certify question (7/29)(RF) _____
- 88-17 Marley-Ingrid - second motion for extension of time within which to file Briefs (7/19), Agency response (7/29)(BF) _____
- 88-24 Daubs Landfill - motion for rehearing (7/7), response to motion for rehearing (7/20)(JTM) _____
- 88-67 City of Highland - motion for expedited decision (7/20), Agency motion for leave to file Instanter and Recommendation (7/22)(JM) _____
- 88-69 Scott Air Force Base - Agency motion for leave to file Instanter & Recommendation (7/25)(JD) _____
- 88-90 Borden Chemical - Agency motion to file Recommendation Instanter (7/29) _____
- 88-96 Village of Western Springs - Board Order (JD) _____

MOTIONS: (Cont'd)

- 88-107 Winnebago County - motion to consider record filed in PCB 87-92 as record in PCB 88-107 (7/22)(BF)
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- 88-14 Borden Chemical - motion for substitution of Petitioning Party (7/12)(JTM)
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- 88-32 Illinois Drum Manufacturers - request to withdraw (7/19)(JTM)
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- 88-6 Phosphorus Effluent Standards - Agency motion to exclude exhibits (6/27), response by DENR (7/13)(JA)
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- 88-37 Public Water Supplies - Proposed amendments to Agency proposal by the Chicago Association of Commerce and Industry et al. (5/5), Agency response to proposed amendments (6/15), motion for leave to file Instantter and reply to Agency's response to proposed amendments (6/27)(BF)
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- 88-39 RCRA Update - Agency request for extension of time (7/22), Agency motion for reconsideration (8/1)(JA)
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DISCUSSIONS:

- 86-193 City of Freeport (See also motion by Intervenors for Stay of proceedings and for time in which to file a petition for Intervention (8/2)(JM)
-
- * 86-218 City of East Moline (JD)(open waiver)
-
- * 87-136 Roadmaster Corp. (MN)(due 9/22)
-
- * 88-18 Village of Sauget (JM)(due 8/18)
-
- * 88-69 Scott Air Force Base (JD)(due 9/8)
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REGULATORY DISCUSSIONS:

- 88-1 Omnibus Rulemaking (RF)
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AMENDED PETITIONS:

- 83-55 Alton Packaging (filed 7/13)(See also motion to overrule Hearing Officer Orders and to appoint new Hearing Officer (7/25), response (8/1)(RF) _____
- 87-136 Roadmaster (filed 7/22)(MN) _____
- 88-84 The Nutrasweet Company (filed 7/29)(See also motion to file copies without attachments) _____
- 88-88) Turnberry Utilities (filed 7/18; See also request for
88-81) expedited decision)(MN) _____
- 87-93 Commonwealth Edison (filed (8/1) _____

NEW CASES:

- 88-110 Wabash & Lawrence Counties Taxpayers & Water Drinkers Assn. v. The County of Wabash & K/C Reclamation, Inc. (BF) _____
- 88-111 Illinois Power Company (Havana Boilers 1-8) v. EPA (BF) _____
- 88-112 Jefferson Smurfit Corporation v. EPA (BF) _____
- 88-113 City of Springfield v. EPA _____
- 88-114 Anchor Glass Container Corporation v. EPA (See also application for non-disclosure filed 7/22)(BF) _____
- 88-115 LaClede Steel Company (Alton Facility) v. EPA (BF) _____
- 88-116 Sexton Filling and Grading Contractors Corporation v. EPA (BF) _____
- 88-117 B.F. Goodrich Company v. EPA _____
- 88-118 Illinois Power Company (Clinton Power Station) v. EPA (Provisional Variance) _____
- R88-16 RCRA Update (January 1, 1988 through June 30, 1988)(JA) _____
- R88-17 UIC Update (January 1, 1988 through June 30, 1988)(JA) _____
- R88-18 Pretreatment Update (January 1, 1988 through June 30, 1988)(JM) _____

NEW CASES: (Cont'd)

88-19 Roadmaster Site-Specific_____

88-20 Simkins Industries Site-Specific_____

ADJUSTED STANDARDS:

88-1 Viskase Corporation_____

88-2 Stepan Company_____

88-3 Allsteel, Inc. _____

AC APPEALS:

88-62 City of Chicago_____

88-76 E & E Hauling_____

88-77 E & E Hauling_____

NEW AC CASES:

88-70 City of Freeport_____

88-71 Central Illinois Disposal_____

88-73 John Sexton Contractors_____

88-74 Hayden Wrecking Corporation_____

88-75 Steve Zimmerman & Waste Limited_____

88-78 Gordon Montgomery & Kenneth Einsweiler_____

88-79 City of Galva_____

MINUTES:

July 13, 1988_____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
* 83-55 Alton Packaging (RF)(open waiver)
84-83 Russell Perkinson (MN)
85-19 Monsanto (BF)
* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
85-137 Fred Jurcak (JD)
* 85-140 Citizens Utilities (JTM)(open waiver)
* 85-166 Citizens Utilities (JTM)(open waiver)
* 85-203 City of Farmington (JD)(open waiver)
85-213 Village of Western Springs CSO (BF)
* 86-150 American Hoechst (JD)(open waiver)
86-161 Elizabeth Street Foundry (JD)
86-181 Village of Riverside (BF)
** 87-47 Chicago Heights Refuse (MN)
* 87-50 Pike County Sand & Gravel (JTM)(due 9/8)
* 87-62 Riverside Laboratories (JM)(due 10/20)
87-71 City of Dixon CSO (RF)
** 87-100 Village of Rantoul (JA)
* 87-124 Modine Manufacturing (RF)(open waiver)
* 87-125 Modine Manufacturing (RF)(open waiver)
* 87-127 City of East Moline (BF)(due 12/1)
* 87-131 Amerock Corporation (JM)(open waiver)
88-13 Elk Grove Village (MN)
88-16 Hinsdale Golf Club (BF)
* 88-17 Marley-Ingrid (BF)(due 10/6)
* 88-22 Deere & Company (JA)(due 9/22)
* 88-37 Village of Lake Villa (JA)(due 10/6)
88-54 Edwin & Mary Susan Kozoyed (JD)
* 88-67 City of Highland (JM)(due 10/6)
* 88-81 McIntosh Limited Holdings (MN)(due 9/8)
88-88)
* 88-107 City of Rockford (BF)(due 11/3)
* 88-110 County of Wabash (JM)(due 11/3)