

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
AUGUST 18, 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 #87-139, Browning-Ferris, by a vote of 6-0. (JD)

A Proposed Rule, Second Notice, Proposed Opinion and Order was adopted in R87-18, Midwest Grain Site-Specific, by a vote of 6-0. (JD)

Orders were adopted in these Administrative Citations by a vote of 6-0: ##88-69, Christian County Landfill; 88-70, City of Freeport; 88-71, Central Illinois Disposal.

Petitioner was ordered to update the Board on its status and to furnish it with the necessary documentation by September 18, 1988, in #81-151, Dean Foods, by a vote of 6-0. (BF)

Petitioner's motion to stay pending appeal was denied in #83-49, Alton Packaging, by a vote of 6-0. (RF)

Motion to consolidate was denied in ##85-38, -86-8, Heckett, by a vote of 6-0. J. Anderson concurred. (BF)

Respondent's motion for extension of time in which to respond to a March 24, 1988 Board Order was granted until November 14, 1988 in #86-161, Elizabeth Street Foundry, by a vote of 6-0. (JD)

An Order was adopted pursuant to a motion to reconsider or certify question in #87-183, Container Corporation, by a vote of 6-0. (BF)

Agency motion to dismiss was granted in #88-13, Elk Grove Village, by a vote of 6-0. (MN)

Agency motion to file Recommendation Instanter was granted in #88-25, Modine Manufacturing, by a vote of 6-0. (JD)

Agency motion to dismiss and Petitioner's motion to withdraw were granted in #88-114, Anchor Glass Container, by a vote of 6-0. (BF)

Agency motion for extension of time to file brief was granted until September 30, 1988 in #88-121, Simkins Industries, by a vote of 6-0. (BF)

An Interim Order directing the Clerk to serve the parties with

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An Interim Order directing the Clerk to serve the parties with the Board's statement of costs and directing the Agency to file a revised statement of its costs on or before September 5, 1988, with supporting affidavit and proof of service was adopted in #AC 87-25(B), County of Whiteside, by a vote of 6-0. (RF)

An Order was adopted pursuant to an appeal of a Hearing Officer Order in ##88-23, - 34, J & R Landfill, by a vote of 6-0. (JA)

An Order was adopted pursuant to an appeal of a Hearing Officer Order in ##88-24, -33, Bi-State Disposal, by a vote of 6-0. (JA)

An Order granting Petitioner's motion to substitute concerning page 11 of its petition and authorizing a hearing was adopted in #AS 88-1, Viskase Corporation, by a vote of 6-0. (JM)

An Order authorizing a hearing was adopted in #AS 88-2, Stepan Company, by a vote of 6-0. (JM)

An Order authorizing a hearing was adopted in #AS 88-3, Allsteel, Inc., by a vote of 6-0. (JM)

These cases were discussed and held to September 8, 1988 for further discussion or possible decision: ##86-193, City of Freeport; 86-218, City of East Moline; 87-71, City of Dixon CSO; 87-136, Roadmaster Corporation; 88-18, Village of Sauget; 88-22, Deere & Company; 88-60, Sonoco Products; 88-88, Turnberry Utilities, Opinion.

These regulatory matters were discussed and held to September 8, 1988 for further discussion or possible decision: R85-27, Special Waste Categorization Study; R88-1, Omnibus Rulemaking; R88-16, RCRA Update (January 1, 1988 through June 30, 1988).

This Administrative Citation was discussed and held to September 8, 1988 for further discussion or possible decision: #87-100, Village of Rantoul.

These amended petitions were received by the Board: ##87-136, Roadmaster Corporation; 88-85, The Eureka Company.

In new cases these actions were taken by a vote of 6-0: ##88-113, City of Springfield v. EPA, hearing authorized and additional information to be presented at hearing, **Order by B. Forcade**; 88-122, Waste Management of Illinois v. EPA, motion to appear Pro Hac Vice granted and hearing authorized, **Order by B. Forcade**; 88-124, EPA v. Rheem Manufacturing Company, hearing authorized; 88-126, Roger Tate, Lynette Tate, Barbara Kelly and Joseph Kelly v. Macon County Board and Macon Landfill, Corporation, hearing authorized, **Order by B. Forcade**; 88-127, Peter Arendovich and Patricia A. Listermann v. Koppers Company, Inc., held until September 8, 1988, 11:00 a.m., 88-128, Commonwealth Edison Company, Dresden Power Station v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-129, Commonwealth Edison Company, Quad Cities Power Station v. EPA, provisional variance granted, **Order by J. Dumelle**; R88-15, Department of the Army Site-Specific, motion to waive 200 signature requirement granted and hearing authorized, **Order of the Board by J. Marlin**; R88-21, Proposed Amendment to Title 35, Subtitle C (Toxics Control), accepted for publication and hearing authorized.

A Proposed Rule, First Notice, Order was adopted in this new regulatory proceeding: R88-22, Amendments to 35 Ill. Adm. Code Section 304.301, Exception for Ammonia Nitrogen Water Quality Standards, by a vote of 6-0. (RF)

Additional information was requested in new case #88-130, The New Jersey Zinc Company v. EPA, by a vote of 6-0. (BF)

This Administrative Citation will be set for hearing: #88-73, John Sexton Contractors.

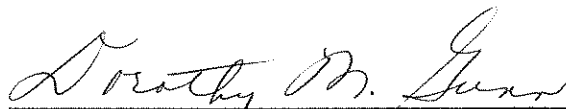
These Administrative Citations were received by the Board: ##88-80, Steve Zimmerman and Waste Limited; 88-81, Steve

Zimmerman and Waste Limited; 81-82, City of Belvidere; 88-83,  
Waste Management of Illinois; 88-84, City of Kewanee.

Minutes of the August 4 and 10, 1988 Board Meetings were approved  
by a vote of 6-0.

All other matters not disposed of as listed were ordered held to  
September 8, 1988 for possible consideration.

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

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
AUGUST 18, 1988 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

- 87-139 Browning-Ferris, Interim Opinion and Order (JD)  
\_\_\_\_\_  
R87-18 Midwest Grain Site-Specific, Proposed Rule, Second  
Notice (JD)\_\_\_\_\_

AC DECISIONS:

- 88-69 Christian County Landfill\_\_\_\_\_  
88-70 City of Freeport\_\_\_\_\_  
88-71 Central Illinois Disposal\_\_\_\_\_

MOTIONS:

- 81-151 Dean Foods - Board Order (BF)\_\_\_\_\_  
83-49 Alton Packaging - motion to Stay pending appeal (8/3),  
Agency response (8/11)(RF)\_\_\_\_\_  
84-93 S.C. Industries - motion for extension of time (8/9)(BF)  
\_\_\_\_\_  
85-38 Heckett - motion to consolidate (7/29)  
86-8 \_\_\_\_\_  
86-161 Elizabeth Street Foundry - motion for extension of time  
(8/2), Agency objection to Respondent's motion (8/8)(JD)  
\_\_\_\_\_  
87-183 Container Corporation - motion to reconsider or certify  
question (7/29), Agency response to motion to reconsider  
(8/17)(BF)\_\_\_\_\_

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

**MOTIONS: (Cont'd)**

- 88-13     Elk Grove Village - Agency motion to dismiss (8/15)(MN)  
\_\_\_\_\_
- 88-25     Modine Manufacturing - Agency motion to file Instanter  
(8/5) \_\_\_\_\_
- 88-114    Anchor Glass Container - Agency motion to dismiss (8/5)  
\_\_\_\_\_
- 88-121    Simkins Industries - Agency motion for extension of time  
to file Brief (8/12), Response to motion for extension  
of time (8/16/)(BF) \_\_\_\_\_

**AC MOTIONS:**

- 87-25 B   County of Whiteside - Interim Order (RF) \_\_\_\_\_
- 88-23     J & R Landfill - Complainant's appeal of Hearing Officer  
88-34     order (7/6) \_\_\_\_\_
- 88-24     Bi-State Disposal - Complainant's appeal of Hearing  
88-33     Officer order (7/6) \_\_\_\_\_

**AS MOTIONS:**

- 88-1     Viskase Corporation - motion to substitute (8/9),  
Procedural Order(JM) \_\_\_\_\_
- 88-2     Stepan Company - Procedural Order(JM) \_\_\_\_\_
- 88-3     Allsteel, Inc. - Procedural Order(JM) \_\_\_\_\_

**DISCUSSIONS:**

- 86-193    City of Freeport (see motion to intervene (8/2)  
Freeport's response(8/15), Intervenors reply (8/17)(JM)  
\_\_\_\_\_
- \* 86-218    City of East Moline (JD)(open waiver) \_\_\_\_\_
- 87-71     City of Dixon CSO (RF) \_\_\_\_\_
- \* 87-136    Roadmaster Corp. (MN)(due 11/3) \_\_\_\_\_
- \* 88-18     Village of Sauget (JM)(9/8) \_\_\_\_\_

**DISCUSSIONS: (Cont'd)**

- \* 88-22 Deere & Company (RF)(due 9/22)\_\_\_\_\_
- \* 88-60 Sonoco Products (JD)(due 9/8)\_\_\_\_\_
- 88-88 Turnberry Utilities, Opinion (MN)\_\_\_\_\_

**REGULATORY DISCUSSIONS:**

- R85-27 Special Waste Categorization Study (JA)\_\_\_\_\_
- R88-1 Omnibus Rulemaking, Proposed Amendments, First Notice, Opinion and Order (RF)\_\_\_\_\_
- R88-16 RCRA Update (January 1, 1988 through June 30, 1988)(JA)\_\_\_\_\_

**AC DISCUSSIONS:**

- 87-100 Village of Rantoul (JA)\_\_\_\_\_

**AMENDED PETITIONS:**

- 87-136 Roadmaster (filed 7/22)(MN)\_\_\_\_\_
- 88-85 Eureka Company (filed 8/18)\_\_\_\_\_

**NEW CASES:**

- 88-113 City of Springfield v. EPA (See also Letters of Objection filed 8/10, 8/11 and 8/12)(BF)\_\_\_\_\_
- 88-122 Waste Management of Illinois v. EPA (see Motion to appear Pro Hac Vice)(BF) \_\_\_\_\_
- 88-124 EPA v. Rheem Manufacturing Co. \_\_\_\_\_
- 88-126 Roger Tate, Lynette Tate, Barbara Kelly and Joseph Kelly v. Macon County Board and Macon Landfill, Corporation (BF) \_\_\_\_\_
- 88-127 Peter Arendovich and Patricia A. Listermann v. Koppers Company, Inc. (11:00 a.m. September 8, 1988)\_\_\_\_\_
- 88-128 Commonwealth Edison, Dresden Power Station v. EPA (Provisional Variance)(JD)\_\_\_\_\_

**NEW CASES: (Cont'd)**

- R88-15 Dept. of the Army Site-Specific (See also motion for waiver of signatures and motion to delay hearing/decision on petition)(JM)\_\_\_\_\_
- R88-21 Proposed Amendment to Title 35, Subtitle C (Toxics Control) (BF)\_\_\_\_\_
- R88-X Amendments to 35 Ill. Adm. Code Section 304.301, Exception for Ammonia Nitrogen Water Quality Standards (RF)\_\_\_\_\_
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**AC APPEALS**

- 88-73 John Sexton Contractors\_\_\_\_\_
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**NEW AC CASES:**

- 88-80 Steve Zimmerman & Waste Limited\_\_\_\_\_
- 88-81 Steve Zimmerman & Waste Limited\_\_\_\_\_
- 88-82 City of Belvidere\_\_\_\_\_
- 88-83 Waste Management of Illinois\_\_\_\_\_
- 88-84 City of Kewanee\_\_\_\_\_
- 

**MINUTES:**

August 4, 1988\_\_\_\_\_

August 10, 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 (MN)(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)  
\* 86-57) Village of Sauget (BF)(due 12/1)  
86-62)  
\* 86-58) Village of Sauget (BF)(due 12/1)  
86-63)  
86-161 Elizabeth Street Foundry (JD)  
86-181 Village of Riverside (BF)  
\*\* 87-25 County of Whiteside (RF)  
\*\* 87-47 Chicago Heights Refuse (MN)  
\* 87-62 Riverside Laboratories (JM)(due 10/20)  
\*\* 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 3/23)  
\* 87-131 Amerock Corporation (JM)(open waiver)  
\* 87-180 Lawrence Brothers (JM)(due 10/20)  
88-13 Elk Grove Village (MN)  
88-16 Hinsdale Golf Club (BF)  
\* 88-17 Marley-Ingrid (BF)(due 2/2)  
\* 88-37 Village of Lake Villa (RF)(due 10/6)  
88-54 Edwin & Mary Susan Kozoyed (JD)  
\* 88-84 The Nutrasweet Company (JM)(due 11/17)  
\* 88-90 Borden Chemical (JTM)(due 10/6)  
\* 88-107 City of Rockford (BF)(due 11/3)  
\* 88-110 County of Wabash (JM)(due 11/3)